
THE ENDURING LEGACY OF THE HABSBURG ISLAM POLICY

Based at the Aga Khan Centre in London, the Aga Khan University Institute for the Study of Muslim Civilisations is a higher education institution with a focus on research, publications, graduate studies and outreach. It promotes scholarship that opens up new perspectives on Muslim heritage, modernity, religion, culture, and society. The Institute aims to create opportunities for interaction among academics and other professionals in an effort to deepen the understanding of pressing issues affecting Muslim societies today.

EXPLORING MUSLIM CONTEXTS

Series Editors: Leif Stenberg and Sanaa Alimia

This series seeks to address salient and urgent issues faced by Muslim societies as they evolve in a rapidly globalising world. It brings together the scholarship of leading specialists from various academic fields, representing a wide range of theoretical and practical perspectives.

Development Models in Muslim Contexts: Chinese, 'Islamic' and Neo-liberal Alternatives
Edited by Robert Springborg

The Challenge of Pluralism: Paradigms from Muslim Contexts
Edited by Abdou Filali-Ansary and Sikeena Karmali Ahmed

Cosmopolitanisms in Muslim Contexts: Perspectives from the Past
Edited by Derryl MacLean and Sikeena Karmali Ahmed

Ethnographies of Islam: Ritual Performances and Everyday Practices
Edited by Badouin Dupret, Thomas Pierret, Paulo Pinto and Kathryn Spellman-Poots

Genealogy and Knowledge in Muslim Societies: Understanding the Past
Edited by Sarah Bowen Savant and Helena de Felipe

Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism
Arskal Salim

Shaping Global Islamic Discourses: The Role of Al-Azhar, Al-Madina and Al-Mustafa
Edited by Masooda Bano and Keiko Sakurai

Gender, Governance and Islam
Edited by Deniz Kandiyoti, Nadjie Al-Ali and Kathryn Spellman Poots

What is Islamic Studies? European and North American Approaches to a Contested Field
Edited by Leif Stenberg and Philip Wood

Muslim Cultures of the Indian Ocean: Diversity and Pluralism, Past and Present
Edited by Stéphane Pradines and Farouk Topan

Governance and Islam in East Africa: Muslims and the State in Kenya and Tanzania
Edited by Farouk Topan, Kai Kresse, Erin Styles and Hassan Mwakimako

The Beautiful Game on a Muslim Pitch: How Football and Religion are Shaping Identity and Society
Edited by Aaron W. Hughes and Leif Stenberg

The Enduring Legacy of the Habsburg Islam Policy: Muslim Communities in Central and Southeast Europe
Edited by Sevgi Adak and Thomas Schmidinger

THE ENDURING LEGACY OF THE HABSBURG ISLAM POLICY

MUSLIM COMMUNITIES IN CENTRAL AND
SOUTHEAST EUROPE

EDITED BY SEVGİ ADAK AND THOMAS SCHMIDINGER

EDINBURGH
University Press

IN ASSOCIATION WITH



THE AGA KHAN UNIVERSITY

Edinburgh University Press is one of the leading university presses in the UK. Publishing new research in the arts and humanities, EUP connects people and ideas to inspire creative thinking, open new perspectives and shape the world we live in. For more information, visit www.edinburghuniversitypress.com.

We are committed to making research available to a wide audience and are pleased to be publishing Platinum Open Access editions of the ebooks in this series.

© editorial matter and organisation Sevgi Adak and Thomas Schmidinger, 2025, under a Creative Commons Attribution-Non-Commercial-Non-Derivatives licence

© the chapters their several authors, 2025, under a Creative Commons Attribution-NonCommercial-NoDerivatives licence



Cover image: Detail of *Homage of the Bosnian-Herzegovinian delegation, led by the mayor of Sarajevo Esad Effendi Kulović, to Emperor Franz Joseph I in the Vienna Hofburg palace on the occasion of the annexation of Bosnia Herzogovina, 9 November 1908*. Coloured heliogravure after a painting by Leo Delitz, 34.2 × 44.5 cm. From the portfolio: *Second series of Viribus Unitis. The book of the Emperor. Franz Joseph I, 80 new pictures from the life of our Emperor*, edited by Max Herzig, 1910. Österreichische Nationalbibliothek, Vienna.
Cover design: www.paulsmithdesign.com

Edinburgh University Press Ltd
13 Infirmay Street, Edinburgh EH1 1LT

Typeset in Goudy Oldstyle by
Cheshire Typesetting Ltd, Cuddington, Cheshire
Printed and bound in the UK using 100% renewable electricity by
CPI Group (UK) Ltd

A CIP record for this book is available from the British Library

ISBN 978 1 3995 1133 9 (hardback)
ISBN 978 1 3995 1135 3 (webready PDF)
ISBN 978 1 3995 1136 0 (epub)

The right of Sevgi Adak and Thomas Schmidinger to be identified as editors of this work has been asserted in accordance with the Copyright, Designs and Patents Act 1988 and the Copyright and Related Rights Regulations 2003 (SI No. 2498).

EU Authorised Representative:
Easy Access System Europe
Mustamäe tee 50, 10621 Tallinn, Estonia
gpsr.requests@easproject.com



This book is printed using paper from well-managed forests, recycling and other controlled sources

Contents

<i>List of Figures</i>	vii
<i>Acknowledgements</i>	viii
<i>Note on Transliteration</i>	x
 Introduction: The Habsburg Legacy and the Governance of Muslim Communities in Central and Southeast Europe <i>Sevgi Adak and Thomas Schmidinger</i>	 I
1. Austro-Hungarian Confessional Politics in Bosnia Herzegovina: International Law, Muslim Autonomy Movements and the Islam Act of 1912 <i>Jan Kreisky</i>	 21
2. Islam and the Austrian State between Two Islam Acts <i>Thomas Schmidinger</i>	38
3. A Hundred Years Later: The Debate on the New Islam Act in Austria <i>Sevgi Adak and Alev Çakır</i>	55
4. Double Minorities at the Edges of Islam in Austria: Non-Sunni Muslims and Faith Communities between Orthodoxy, Heterodoxy and Secularism <i>Alicia Allgäuer and Thomas Schmidinger</i>	 75
5. Islamic Communities in Yugoslav Countries: From their Formation in the Nineteenth Century to the Dissolution of Yugoslavia <i>Dunja Larise</i>	 101

CONTENTS

6. Religion and State in Bosnia Herzegovina <i>Dino Abazović</i>	122
7. Bosnian Islam? Islam and Muslims in Bosnia Herzegovina from a Historical Perspective <i>Esnaf Begić</i>	141
8. Muslims and the State in Post-socialist Croatia <i>Dino Mujadžević</i>	157
9. Muslim Communities and Religious Freedom in Slovenia <i>Marinko Banjac and Anja Zalta</i>	177
10. The Relationship between State and Islam in Hungary: From Empire-building to Nation State-building <i>Krisztián Csaplár-Degovics</i>	192
11. Czech and Slovak Muslims: A Long Way to their Own Islam Act <i>Štěpán Macháček</i>	212
12. Islam and Muslims in the Successor States of the Austro-Hungarian Empire: The Case of Poland <i>Konrad Pędziwiatr</i>	231
<i>About the Contributors</i>	251
<i>Index</i>	253

Figures

4.1	Alevi associations from all over Austria protest for recognition as a religious community, 24 August 2010	80
4.2	Logo of the Old Alevis with the Zoroastrian Faravahar, the Kurdish sun and Alevi (and Sufi) Semah dancers	81
4.3	A protest in Vienna against terrorist attacks and massacres in Pakistan against the Hazara, with an explicit reference to persecution on account of their Shi'a affiliation, 25 January 2013	85
4.4	Ashura in the mosque belonging to the Islamic-Shi'i Religious Community in Peztlgasse in Vienna, 26 July 2023	87
4.5	The Arap Aleviler Kültür Derneği in the industrial area of Leobersdorf, south of Vienna, 2015	92
4.6	A prayer room of the Ahmadiyya Muslim Jamaat, in its former centre on Sandrockgasse, Vienna, 2012	95
10.1	Front and back of a photo showing Hussein Hilmi Durić in Baghdad, 5 December 1935	203
12.1	One of the two historic Tatar mosques in Poland	240

Acknowledgements

The idea behind this edited volume evolved from a conference entitled 'Islam and Muslim Communities in Central Europe' organised by Thomas Schmidinger and co-hosted and co-sponsored by the Institute for Global Studies and Center for Austrian Studies at the University of Minnesota. We would like to express our sincere thanks to these two institutes, especially to the then director of the Center for Austrian Studies, Klaas van der Sanden, for supporting the start of this project.

The aim of the conference in Minneapolis was to analyse the historical trajectory of Muslim communities in Central and Southeast Europe and to comparatively analyse the various legal and political institutional structures that have shaped their current status. The rich and empirically grounded research presented at the conference revealed that these legal and political structures, as various and complex as they are in each national setting, have been influenced by the historical legacy of the Habsburg governance of Islamic Communities. The current volume consists of updated versions of most of the papers presented at the conference, as well as additions by specialists who were subsequently invited to contribute. We would like to thank all the contributors – especially for their patience with the challenges and delays the volume endured along the way, caused by several factors, not least a global pandemic.

We are grateful to the Islamic and Middle East Studies editorial team at Edinburgh University Press (EUP), and particularly Emma House and Isobel Birks, for their help during the review and production process of the manuscript. We would also like to thank the anonymous reviewers for their insightful comments. Their suggestions helped us revisit some important aspects of the book and include some of the issues that needed to be addressed. We are indebted to

our colleagues Egdūnas Račius and Jonas Otterbeck for generously taking the time to read the Introduction of the volume and drawing our attention to some issues, which proved to be invaluable during the final revisions of the chapter.

A special thanks is due to the Aga Khan University Institute for the Study of Muslim Civilisations (AKU-ISMC) for supporting the publication of this volume. We particularly thank Farouk Topan, the editor of the Exploring Muslim Contexts Series when we submitted the book proposal, and the current editors of the series, Leif Steinberg and Sanaa Alimia, who have seen through the publication of the manuscript. We would like to especially acknowledge Leif's support when we came up with the idea of the book and his helpful comments on the final manuscript. Charlotte Whiting, the then Publications Manager at AKU-ISMC, was very supportive during the initial stage of the project and the submission of the book proposal to EUP. We would like to thank her very much. Finally, we are indebted to Rosie Fairhead for her meticulous editorial work on the text and to Donald Dinwiddie, AKU-ISMC's Publications Coordinator, for his unfailing support and professionalism. Rosie and Donald were immensely helpful throughout the process of turning the manuscript into its current shape.

Sevgi Adak and Thomas Schmidinger
September 2024

Note on Transliteration

For the transliteration of Arabic words, if the word/name exists in an English dictionary or a commonly used form without diacritics, then we have opted for the simplified version. For the transliteration of Turkish words, we follow the IJMES transliteration system.

Introduction: The Habsburg Legacy and the Governance of Muslim Communities in Central and Southeast Europe

SEVGİ ADAK AND THOMAS SCHMIDINGER

When Otto Habsburg – the eldest son of the last emperor of the Austro-Hungarian empire, Karl I – died in 2011, among those who prayed at his funeral in Vienna’s Stephansdom was Mustafa Efendi Cerić, then Reis-ul-Ulema of Bosnia Herzegovina, the highest Islamic religious authority and the head of the official Islamic Community in the country. In participating in Habsburg’s funeral, Cerić was marking the mutual history of the bygone empire of the Catholic Habsburgs and Bosnian Muslims. The cornerstone of this history – which started with the occupation in 1878 and the subsequent annexation of Bosnia Herzegovina by the Austro-Hungarian empire, following the Berlin Treaty of July that year – was the 1912 Islam Act (*Islamgesetz*) of the Habsburgs. The Islam Act granted Islam legal recognition and official status, a recognition that has been sustained to this day and that can thus be considered unique in the Catholic European state tradition.¹ Islam, therefore, was incorporated into the imperial system of state

¹ It is known that Islam was granted official status in late fifteenth-century Spain, and Muslims had the right to practise their faith. However, this was only a temporary arrangement. The status of Muslims as Mudéjar after the Spanish conquest of Granada was part of the capitulation of the Muslims in the Treaty of Granada of 25 November 1491 between the last Muslim ruler of Granada, Abu Abdallah Muhammad XII (Boabdil), and Ferdinand and Isabella, the King and Queen of Castile, León, Aragon and Sicily. But forced conversions soon took place and thus the treaty was broken by Spain, leading to the uprising in the Alpujarras (1499–1501). This early recognition of Islam in Spain was therefore not sustainable, but merely a prelude to the expulsion and forced conversion of the remaining Muslims of al-Andalus. Muslim Tatars in Poland also had certain rights, as religious freedom was acknowledged in the 1791 constitution of the Polish–Lithuanian Commonwealth and subsequently by the constitutions of the Duchy of Warsaw and the Kingdom of Poland, which was established in 1815. However, there was no equivalent of the Habsburg Islam Act. Moreover, Polish sovereignty ended with the Third Partition of Poland (1795) until the re-establishment of a Polish state after the First World War. There is therefore no direct state continuity from the old Kingdom of Poland and the Grand Duchy of Lithuania to today’s Republic of Poland, and thus no direct continuity of the status of Muslims.

recognition, which was a policy model that created recognised and unrecognised denominations, providing certain rights and privileges to the former as public corporations under law.²

The point of departure for this edited volume is the premise that contemporary legal and political structures governing Muslim communities in post-Habsburg Central and Southeast Europe can be better understood and analysed if they are seen through the prism of the historical continuities since the Islam Act of 1912 and the institutional arrangements established under the Habsburg Islam policy. In fact, the continuity between the empire and post-Habsburg nation-states can be traced, at least partially, in the endurance of the legal traditions and policy models of the monarchy, as well as in the regulation of the relationship between state and religion, and the politics of religion more generally. These continuities, which may have been shaken by the end of the monarchy but have not been torn down, become clear in the relationship between the powerful majority church (the Roman Catholic Church) and the state, for example. Even though the end of the empire and the proclamation of new nation-states represented a break with the Catholic-dominated monarchy in many respects, it soon became apparent in Austria and other Catholic-dominated successor states that the power of the Catholic Church to some extent survived the end of the monarchy. In 1918 the Church felt that its autonomy was seriously threatened, and its leading representatives clung to Emperor Charles I and the monarchy until the very end.³ However, the young nation-states that replaced the monarchy did not create a completely new legal order. Even though the question of how to regulate the relationship between state and religion remained open for religious communities in the successor states – and concerned not only Christian churches, but also Muslims, who found themselves in a minority position almost everywhere in the post-First World War European order – there were certain inherited structures that partly guided the debate.

The main argument that links the chapters of this volume is that the occupation of Bosnia Herzegovina by the Austro-Hungarian empire and the subsequent governance structures the empire devised to accommodate the Muslim population had a lasting influence on the relationship between Islam and the state in the post-empire national settings, and on how different states in post-Habsburg Central and Southeast Europe have since approached and dealt with the demands of their Muslim minorities. Even if this influence developed differently in each post-empire nation, the attempt and ambition to fit Islam into a church-like structure, to decouple it from the major centres of the 'Islamic world' and thus integrate it into the existing framework of relationship between the state

² For more on the emergence of the state recognition model, see Wallner 2007; Hofhansel 2013.

³ Carter-Sinclair 2019: 182.

and Christian churches, can be recognised as a common feature. Moreover, the Habsburg Islam policy, whose legal framework was the *Islamgesetz*, continued to be a reference in the public debate regarding Islam and Muslims.

This is most apparent in Austria, where legal and institutional continuity with the empire is very strong and the state itself purposefully capitalises on that continuity to draw and nurture an image of tolerance. In the foreword he wrote to Richard Potz's essay published by the Federal Ministry for European and International Affairs to commemorate the centenary of the adoption of the Islam Act in 2012, the then Vice Chancellor and Foreign Minister of Austria, Michael Spindelegger, argued that the Act 'created unique conditions for integrating people of Muslim faith in society that are unparalleled in Europe'. He also maintained that it formed the basis for 'an orderly and respectful co-existence', referring to an 'Austrian tradition' of interfaith and intercultural dialogue.⁴ Such selective, nostalgic framing of imperial legacies directly informs contemporary policy decisions. Even when the legal and institutional traces of the Habsburg Islam policy became less prominent in some post-Habsburg nation-states, and the *Islamgesetz* ceased to be a desirable policy model to accommodate Muslims, the Act nevertheless gained new currency as a source of legitimacy and a historical baseline for the Muslim communities and organisations that struggle in an increasingly Islamophobic political atmosphere. In post-Habsburg Central and Southeast Europe, 'the past is somehow more *present*.'⁵

Our aim is twofold. First, this volume explores the complex (and uneven) legacy of the Habsburg Islam policy, in particular the Islam Act of 1912. We look at the ways in which it continues to inform the legal and policy debates regarding Islam and Muslim communities in the successor states of Austria–Hungary. Second, we trace the historical continuity with the Habsburg Islam policy by looking at the different manifestations, adaptations and (re)uses of that policy in each post-Habsburg nation-state to the present day, in the ever-changing political landscape of each national context and with new waves of Muslim migration in recent decades. In other words, we explore the legacy of the Habsburg Islam policy by taking into account the unique position of the post-Habsburg territories as home to both centuries-old 'indigenous' European Muslims and more recently settled Muslim immigrants.

However, while highlighting the uniqueness of the coexistence of two historically distinct Muslim communities in Central and Southeastern

⁴ Potz 2012: 6. Potz also refers to an 'Austro-Islam' model that was created by the *Islamgesetz*, and claims that this involved a degree of hierarchisation of the Muslim community in Bosnia, in line with Christian models. He even calls this an 'institutional Europeanization of the organization of the Islamic community in Bosnia'. See *ibid.*, 15. On the Habsburg legacy in the case of Muslims in Austria, see also Benedek 2011.

⁵ Watson 2019: 354.

Europe – compared with Western Europe, where the debate over Islam and Muslims revolves around immigration after 1960 – this volume also investigates the ways in which this coexistence helps to explain the ruptures in policy since the Habsburg Islam policy and the diverse trajectories followed by the successor states to the Habsburg empire with regards to the governance of Islam and Muslim communities. The focus on continuity in the relationship between state and religion with regards to Islam, therefore, does not mean that change and policy divergence are not considered. If we take the Habsburg Islam policy as the starting point, it is apparent more than a century later that different paths of religious policy have developed in the post-Habsburg region. These range from Bosnia, where state-legitimised Islam is the dominant religious institution, to recognised Islamic structures in Poland, Croatia, Slovenia and Austria, to Slovakia, where a high degree of securitisation of Islam has led to its almost complete exclusion from public life. In recent years, in particular, securitisation has also become a major trend in such countries as Austria, Hungary and the Czech Republic. In some cases – but not all – this contradicts the policy of creating recognised Islamic institutions, since the state recognition model does not automatically imply, by any means, lack of Islamophobic discourse and policies. Developments in Austria in particular show that the two can go hand in hand; recognition policy can also be part of securitisation, as became clear in the debate surrounding the new Islam Act of 2015.

This volume, therefore, looks at the contemporary as much as – perhaps more than – it looks at the past, and tries to map in each post-Habsburg national context the diverging trajectory of policies regarding Muslims and their changing interaction with the state. We believe that by mapping different dynamics of the politics of religion in each successor country, the volume also provides a framework for a comparative analysis of the legal and institutional continuities and ruptures in the governance of Islam and Muslim communities in Central and Southeast Europe, from the Habsburgs to contemporary nation-states.

MUSLIMS IN POST-HABSBURG CENTRAL AND SOUTHEAST EUROPE AND THE QUESTION OF LEGACY

Although there were Muslims already living in the region, such as in pre-Ottoman Hungary, most Central and Southeastern European Muslims today are descendants of Europeans who converted to Islam under the rule of the predominantly Muslim but essentially multi-religious Ottoman empire. Entire population groups were often displaced within that empire, but the majority of Bosniak Muslims seem to have been descendants of members of the independent Bosnian Church. That institution had been under pressure from both the Catholic and Orthodox sides, and its (former) members were probably most

willing to join the Ottoman rulers religiously.⁶ In fact, Bosnia Herzegovina was a very diverse territory in terms of faith, with a narrow Muslim majority in the nineteenth century. Most of these diverse people spoke the same Slavic language, however, which came to be commonly called Serbo-Croatian (sometimes Bosnian/Serbian/Croatian) for most of the twentieth century.

While earlier expansions of the Catholic Habsburg empire had led to the expulsion of Muslims, this policy changed with the occupation of Bosnia Herzegovina in 1878.⁷ For the first time, a significant number of Muslims came under the rule of the Habsburgs. Bosnia Herzegovina was formally annexed in 1908, and in 1912 the Islam Act was adopted. This conferred upon the Hanafi school of law of Sunni Islam an official legal status as a religious congregation (*Religionsgesellschaft*), and that also meant recognition as a legal entity under public law. The present status of Islam and Muslim communities in the successor states of the Austro-Hungarian empire is still affected by the structures and legal frameworks that were set up after the Islam Act of 1912, as this volume argues and demonstrates in detail. The existence of indigenous Islamic Communities in Bosnia Herzegovina and the need to integrate these Muslim Europeans into the Habsburg imperial system constitutes the main reason that institutional state recognition of Islam took place there earlier than in those parts of Europe where the presence of Muslim communities was mainly a result of various waves of migration (labour migrants, students, refugees and so on) in the second half of the twentieth century.

This different historical trajectory of Islam and Muslim communities in Central and Southeast Europe also makes it a unique place, in that two different Islamic Communities overlap, as indicated above: post-Ottoman European-Muslim communities, and Muslims who immigrated to the successor states of the Habsburg Monarchy in the second half of the twentieth century. The Islam policy of the Habsburg Monarchy and its legal and cultural heritage, which focused on the Muslims of Southeast Europe, thus meets the European policies on Islam in the late twentieth and twenty-first centuries, which have primarily targeted Muslim

⁶ Fine 1993: 8.

⁷ While Habsburg expansion into Bosnia Herzegovina is often not characterised as colonialism in the same way as the overseas colonies of Western European powers of the time, some scholars emphasise the unique status of the province, which did not belong to either part of the Dual Monarchy and was rather administered by the Joint Ministry of Finance. These scholars also draw attention to the adoption by the Habsburgs of colonial discourses of civilisation and progress vis-à-vis Muslims. See Amzi-Erdoğdular 2024: 40–1. For an analysis that characterises Bosnia as a proximate colony, see Donia 2015. On the cultural mission and Orientalist underpinnings of the Habsburg policies in Bosnia, see Okey 2007. For a critical analysis that looks at the Islamic Community of Bosnia Herzegovina and the management of Muslim communities as legacies of the Habsburg colonial administration, see Rexphehi 2019. All provinces belonged to either the Austrian or Hungarian part of the empire. Bosnia was treated differently and never became part of this division (so was never made a proper province, in reality). It was governed, rather strangely (or not!), by the Joint Ministry of Finance.

migrants and their religious structures. This overlap of different histories makes the region of the former Habsburg empire a distinctive place in which to observe and discuss European politics with respect to Islam and Muslim communities, and a space where the most diverse Islamic Communities live together.

There is more to the story of overlapping histories, however. It is hardly new, nor is it disputable, that imperial structures do not simply disappear once empires collapse. Rather, they continue to have an imprint on the post-imperial national and international orders. As Laura Ann Stoler puts it, ‘imperial formations prodigiously produce specialised lexicons of legal, social, and political terms, concepts, and enduring vocabularies that both innocuously and tenaciously cling to people, places, and things.’⁸ While the power of nationalism and nation-state formation to reshape legal, institutional, political and cultural structures in the post-imperial condition is evident, national projects can be understood only when we analyse the historical ‘institutional habitat’ in which they have emerged.⁹ The question, then, is more about how to approach the subject of legacy.

One thing to keep in mind while studying the legacy of a particular imperial policy is the complexity of the political and social terrain that led to its emergence, and the coexistence of *multiple imperial legacies* within that terrain. Habsburg Islam policy was in the making before the adoption of the Islam Act of 1912, as Habsburg bureaucrats created the foundations for an officially recognised Islamic religious community. They introduced policies that aimed at the centralisation and reform of religious institutions, Sharia courts and *waqf* administration following the occupation of Bosnia Herzegovina.¹⁰ Emily Greble indicates that ‘they left the powers of legal interpretation in the hands of Muslim jurists but sought to define the relationship between Islam and the state along similar lines as the Christian confessions.’¹¹ While shaping their Islam policy, therefore, the Habsburgs drew on a religious and legal terrain to which they had been accustomed for centuries.

Nevertheless, the policy also emerged in close encounter with the Ottoman legacy in the West Balkans, as well as the dynamics of inter-imperial rivalry that marked late nineteenth-century Europe. While the Habsburg policy of protecting Muslims in Bosnia Herzegovina was driven by the aim of securing their cooperation in integrating the province within the imperial order and separating them from the Sublime Porte and its influence, certain Ottoman structures continued under the Habsburg administration. As Leyla Amzi-Erdoğan suggests, there was an ‘enduring influence of the Ottoman empire, an influence perpetuated by the imperial [Ottoman] state from afar and supported

⁸ Stoler 2016: 20.

⁹ Halperin and Palan 2015: 2.

¹⁰ Bougarel 2018: 17.

¹¹ Greble 2021: 42–3.

by the empire's former subjects in Bosnia Herzegovina'.¹² The Habsburgs and Ottomans were competing for Muslim loyalty in Bosnia, then, in order to maintain their sphere of influence, while Bosnian Muslims were trying to navigate this difficult terrain to their advantage. The (re)organisation of the provincial Islamic institutions under the Habsburgs, for example, and the establishment of the Islamic Community as an institution were the outcome of the interplay between the two empires, as well as local actors in Bosnia Herzegovina. The Islamic Community, which survived several states after the Habsburgs and continues to exist in Bosnia, was a product of Habsburg rule, but its legitimacy was also rooted in the Ottoman system.¹³

These various overlapping legacies continued to be a feature of post-Habsburg Central and Southeast Europe. Only part of present-day Poland, for example, was under Habsburg rule. Polish Muslims – predominantly Lipka Tatars – lived mainly in the formerly Russian parts of the country. In the case of Poland, therefore, the influence of the Habsburg legal system met the legacy of the Russian empire's Islam policy, which was itself multilayered and complex.¹⁴ Those successor countries to the Habsburg empire that came under Soviet influence between 1945 and 1989 add another dimension to the historical analysis by incorporating the distinctive ways in which socialist policies met the legacy of the Habsburg Islam policy.¹⁵ In Yugoslavia, where there was already an amalgamation of Ottoman, Habsburg and Southeast European heritage, socialist policies on religion complicated the question of legacy for post-Yugoslav nation-states.¹⁶ At the same time, the structures created by the Habsburgs for Bosnia, which were ultimately responsible for the Muslims in all of Yugoslavia, continue to have an effect even in Serbia and Montenegro, which (apart from Vojvodina) were never part of the Habsburg empire. In Serbia, there is a section of Muslims – the Islamic Community in Serbia (Исламска заједница у Србији; *Islamska zajednica u Srbij*) – who still see themselves as part of Bosnian Islam and who

¹² Amzi-Erdoğdular 2024: 3.

¹³ Ibid., 165. Amzi-Erdoğdular indeed refers to 'Ottoman continuities perpetuated by the Habsburgs'. Ibid., 10. For example, she points at how in Bosnia the Habsburg administration continued to derive from the logic of the Ottoman '*millet* system' and grouped communities based on religion 'and not language, as it did in its other domains'. Ibid., 5. Rady also indicates that, while Habsburg censuses took language as a marker of identity, in the case of Bosnia religion was used instead. Rady 2020: 307. On the Ottoman legacy in the Balkans, see also Todorova 1996. On the impact of Great Power politics in the transformation of Ottoman social and economic structures in the Balkans, see Grandits, Clayer and Pichler 2011.

¹⁴ Tuna 2015. Tuna's analysis of the evolution of the Russian management of Muslim communities from the late eighteenth century until the First World War and of the experience of the Volga-Ural Muslims reminds us that 'empires did not possess an essential nature; they were evolving structures with multiple faces'. Ibid., 5. On the emergence of the 'Muslim question' in nineteenth-century Russia and its impact on imperial policies towards Islam, see Campbell 2015. See also Račius and Zhelyazkov 2018.

¹⁵ On Muslim communities and religious structures in post-Communist Eastern Europe, see Račius 2020.

¹⁶ See, for example, Mujadžević 2018.

regard Bosnia's Reis-ul-Ulema as the head of their community. This organisation is predominantly based in the Sandjak city of Novi Pazar and is in conflict with the Belgrade-based Islamic Community of Serbia (Исламска заједница Србије, *Islamska zajednica Srbije*). It continues to extend the institutional structures of 'Bosnian Islam' created under the Habsburgs to southern Serbia and thus beyond the borders of the old Habsburg Monarchy. These complexities, overlapping legacies and far-reaching imperial influences, explored throughout the volume, reinforce the argument that the region of the former Habsburg Monarchy in Central and Southeast Europe represents a transition space with regards to Islam. It is an area where post-Ottoman Muslims of Southeast Europe, Tatar Muslims of the Russian sphere of influence and migrant Muslim communities of Western Europe live together, resulting in different Islamic traditions and Muslim communities crossing paths and merging.

Finally, tracing imperial legacies in post-imperial national orders should not divert us from the fact that legacies are adopted, consumed and interpreted in diverse ways and do not produce the same results or continue to have the same influence everywhere. While the question of Habsburg legacy is a central concern, this volume goes beyond it to look at the diverse paths the successor states took in dealing with the question of religious minorities and Islam, and the factors that have affected that divergence. The book approaches the question of legacy not as a fixed framework or unidirectional path dependency, then, but as one among many dynamics that have shaped the emergence and development of governance mechanisms within nation-state formations. It is within this framework that divergences in the politics of religion in each successor country of the Habsburg empire are analysed in terms of different Muslim institutions, communal organisations, the variety of different Muslim sects and doctrinal and organisational divisions, as well as the interaction of Muslim communities with the state. The chapters trace the diverse yet sometimes overlapping paths taken by post-Habsburg nation-states regarding the status of Islam, Muslim communities and state–Islam relations. They shed light on issues stemming from the unique characteristics of each national setting in the decades following the demise of the Habsburg imperial order, as much as they highlight commonalities that can be explained partly by shared roots in that order.

By examining Central and Southeast Europe as a transition space rooted in a common imperial legacy, this volume builds on and contributes to a growing literature in English on Islam and Muslims in Europe in general, and in Central, Eastern and Southeast Europe in particular.¹⁷ The geographical frameworks that

¹⁷ For examples of a comprehensive approach to Islam in Europe as a whole, see Maréchal et al. 2003; Hellyer 2009; Cesari 2014; and the various editions of the *Yearbook of Muslims in Europe*, which has been published since 2009.

are used are often based on a West–East divide. Eastern Europe is commonly used in the sense of former socialist states, and Southeast Europe or the Balkans as former Ottoman territories of Europe.¹⁸ Such choices for geographical categories underscore a different focus in terms of content and the framework within which to analyse Muslim experiences. Katarzyna Górak-Sosnowska’s book *Muslims in Poland and Eastern Europe* (2011), for example, concentrates on Poland but includes sections on Hungary, Serbia, Romania, Ukraine and Slovenia; Bosnia and other successor states of the Austro-Hungarian monarchy are not covered.¹⁹ The focus on Eastern Europe, then, seems particularly to have entailed an underlying argument that Islam in post-socialist contexts has been shaped differently. Egdūnas Račius’s eminent and comprehensive account, *Muslims in Eastern Europe* (2017), also deals with the situation of Muslims in the European states that came under Soviet influence, and in socialist former Yugoslavia and Albania.²⁰ The geographical cover is thus framed with reference to socialist experience (with the exception of the defunct German Democratic Republic) as these states existed during the Cold War.²¹ The present volume, however, deliberately follows a path not travelled, considering a region that is defined by a common imperial order. It thus suggests an alternative framing to Western versus Eastern Europe within which a more complex Islamic-European history can be discussed.

In looking at this region, we nevertheless see similar threads with the existing literature. As indicated above, one of the most important elements of the Habsburg legacy for the Muslim communities of Central and Southeast Europe is a legal and organisational structure shaped by the integration of Islam into the Habsburg imperial system. The relationship between religion and state in the empire was essentially characterised by a relationship between the institution of the Church and that of the state. Other religious communities that were recognised during the course of the slow secularisation of the state had to create structures similar to that of the Catholic Church and to mirror the relationship between Church and state, and this applied not only to Christian churches, but also to non-Christian communities. We know, for example, that as early as the nineteenth century such a policy of creating church-like structures was pursued in several European states in relation to Judaism and Jewish communities, which, as Jørgen S. Nielsen puts it, turned rabbis ‘from being teachers, scholars and jurisconsults to being pastors and clergy, their synagogues became “churches”,

¹⁸ Norris 1993; Merdjanova 2013; Furat and Er 2012; Poulton and Taji-Farouki 1997; Elbasani and Roy 2015; Clayer and Bougarel 2017.

¹⁹ Górak-Sosnowska 2011. For another example of a similar framing of Eastern Europe, see Ghodsee 2010.

²⁰ Račius 2017.

²¹ Račius 2020.

and their chief rabbis became “archbishops”.²² This ‘churchification’ is not necessarily the same as ecclesification, as described by Račius, ‘for there may be, at least theoretically, a clergy of some sort in an otherwise church-less religious collectivity.’²³

A similar process has been taking place in recent decades with regard to Muslims. The notion of the ‘churchification of Islam’ started appearing in German-language publications as ‘Verkirklichung des Islam’ from the 1990s onwards, at first with reference to the debate on Islam in Germany. The term has often been used critically in the context of the debate about the relationship between Islam and the state in Germany, but also to call for more regulation of Islam and Muslims. However, this policy and process began later in Western Europe than in Central, Eastern and Southeastern Europe, where it had started with the legal regulations imposed by tsarist Russia and the Habsburgs. So, although these developments can be observed throughout Europe, they did not emerge in the same way and at the same speed everywhere; they were rooted in similar yet distinct historical contexts and arrangements of state–Church relations. Although Račius suggests that ‘one may hardly talk of the churchification of Islam in imperial Eastern Europe,’ he also indicates that the metropolises Constantinople/Istanbul, St Petersburg and Vienna ‘had proceeded with the institutionalisation of Islam, which later served as a blueprint for its churchification in subsequent nation-states’.²⁴

We argue that, historically, the Habsburg Islamic policy plays a central role here. An even earlier historical experience – that of tsarist Russia, which had integrated Islam into its Christian Orthodox empire after the conquest of the Khanate of Kazan in 1552 and especially with the law on religious tolerance of 1773 under Empress Catherine²⁵ – might have played a certain role as a precedent. But the form of institutionalisation and embedding of Islam within a Christian majority state that the Habsburgs adopted after the occupation of Bosnia became a model for Central and Southeast Europe. In both historical and contemporary attempts to ‘churchify’ Islam, it is clear that it originates from the respective states and is therefore linked directly to questions of political power. As Niels Valdemar Vinding argues for contemporary Europe, ‘there is a normative assessment of the different religious traditions, where the Christian model [is] produced as “objectively” better, or for historical reasons, the right way of organising religion.’²⁶ Some of those historical reasons, as well as the

²² Nielsen 1993: 98.

²³ Račius 2020: 75.

²⁴ Ibid., 117.

²⁵ Yemelianova 2002: 44.

²⁶ Vinding 2018: 59.

‘objective’ comparisons used in present-day attempts to create a European Islam, derive from the Habsburg experience and legacy.

THE STRUCTURE AND MAIN ARGUMENTS OF THIS BOOK

The chapters that make up this volume reflect a balance between historical analysis of the Habsburg legacy and the study of contemporary Muslim communities and the structures that govern them in each post-Habsburg national context. Chapter 1 starts by setting the stage for the enactment of the Islam Act of 1912 and the conditions that informed that process in Habsburg Bosnia Herzegovina. Jan Kreisky provides an overview of the main turning points of the Austro-Hungarian policy regarding Islam and Muslims, from the occupation of Bosnia Herzegovina in 1878 to the adoption of the Islam Act in 1912. The chapter looks in particular at the role of confessional politics in establishing Austro-Hungarian rule, and the interplay in the process between international law and politics, on the one hand, and the Muslim autonomy movements that emerged after the Habsburg occupation, on the other. Kreisky situates the Islam Act within this historical context and underlines its importance as a legal foundation for the integration of not only the Muslim population as a minority within the empire, but also of Bosnia Herzegovina within the multi-confessional federation of states of Austria–Hungary. He demonstrates that while Austro-Hungarian confessional politics was shaped by the interests of the empire in an international system marked by increasing imperial rivalry, it was equally affected by the reactions of the Bosnian Muslims who tried to use international law and conventions to further their claims and rights. He also establishes how the Islam Act originated in Muslims’ efforts to secure the formal recognition of their religion within the imperial system to back their religious rights, while at the same time resulting in the intensification of the integration of the province of Bosnia Herzegovina into the multi-confessional Austria–Hungary.

The following three chapters focus on Austria. The reason for such special attention is that today’s Republic of Austria was (together with Hungary) the primary legal successor to the Habsburg Monarchy. Apart from Bosnia Herzegovina, Austria is also home to by far the largest and most diverse Muslim population of all post-Habsburg nation-states. Moreover, the coexistence of historical and more recent Muslim communities in Central and Southeast Europe is particularly visible in Austria, where ‘indigenous’ European Islamic Communities from the borderlands of the former Ottoman empire live together and engage with Muslim migrants who have settled in the country in recent decades, especially from Turkey and the Arab world. This is not without its difficulties, some of which manifest themselves in the interaction of Muslim

communities with the Austrian government. As such, Austria is also a distinctive case for analysing the complexity of the relationship between the inherited mechanisms of governance devised according to the Islam Act of 1912, which was in force uninterrupted, and the novel ways that were introduced as a response to new challenges stemming from contemporary immigration.

The three chapters explore this interaction from various angles. In Chapter 2, Thomas Schmidinger picks up where Kreisky leaves off, and focuses on the legal and political relationship between the Habsburg monarchy and the later Republic of Austria with regards to the status of Islam and the Muslim communities between 1912 and 2015 – the year when a new Islam Act was adopted. He outlines the continuity, interruptions and development of a more than 100-year-old Islamic legal tradition in Austria, and provides an overview of the different corporate types of religious community that this legal tradition shaped. Starting with the official legal recognition of the Islamic community by the Islam Act of 1912, the chapter traces the legal framework and the political discourse concerning Islam and Muslims up to the reform of the Islam Act in 2015 and the subsequent recognition of other Islamic Communities. Schmidinger's analysis shows not only that the history of the relationship between the Austrian state and Islam is marked by continuity as well as rupture, but also that some of the pressing debates in contemporary Austria – such as that over the independence of Austrian Muslim organisations from 'foreign influences' – can indeed be seen as recurring issues, having appeared first under the Habsburgs.

In Chapter 3, Sevgi Adak and Alev Çakır focus on the debate concerning the new Islam Act of 2015. They describe the context in which the idea behind a new Act emerged, outline the changes introduced by the new Act and explain the main positions in the debate on the draft of the Act. While the need for a reformed Act had been voiced by Muslims themselves and the main and biggest Muslim organisation in Austria, the Islamic Religious Community in Austria (Islamische Glaubensgemeinschaft in Österreich; IGGÖ), was involved in the preparations for and negotiations on the new Act, the final bill drafted by the Austrian government was introduced amid strong scepticism and criticism from Muslim associations and community organisations, including the IGGÖ. The chapter focuses in particular on the arguments put forward by the Muslim organisations against the Act, and maps out how this debate reflected and consolidated existing tension and disagreement among different Muslim communities. Adak and Çakır conclude that, while the new Islam Act built on its predecessor of 1912 and can in many ways be seen as a continuation of the Habsburg Islam policy, it was also a product of its time, reflecting an atmosphere of increasing securitisation and the urge for greater state regulation and control of Muslim religious communities.

The final chapter on Austria focuses on the ‘double minorities’, non-Sunni Muslims, who face specific challenges in their religious and social lives because of the numerical and legal dominance of Sunni Islam in the country. Alicia Allgäuer and Thomas Schmidinger bring into the analysis these communities who have been largely neglected in the literature on Muslims in Austria, because research has focused largely on dominant Sunni Muslim organisations. They discuss the problems of these double minorities and their relations with the Sunni Muslim communities (the officially recognised religious communities), as well as with the state. They examine the question of these communities’ official representation, and provide insight into the religious diversity of Muslim communities in Austria and their multilayered relations with various segments of the Austrian social, political and legal system. Allgäuer and Schmidinger’s analysis demonstrates that challenges have arisen in contemporary Austria from a religious policy inherited from the Habsburgs, which assumed (and thus imposed) a unified religious community model, impeding the efforts of non-Sunni Muslims to gain recognition as religious communities. The policy and the system of legal recognition that were devised based on the Islam Act of 1912 push the groups on the fringes of mainstream Islam to define themselves, reply to the Austrian state’s concern about what belongs to Islam and what does not, and thus enforce a clear demarcation between Islamic and non-Islamic faiths. Read together, the chapters on Austria make it clear that the early legal recognition of Islam in Austria based on the Islam Act of 1912 by no means automatically led to a more representative Islamic organisation in the case of the IGGÖ, or more ‘relaxed’ relations between the state and Islamic Communities.

Bosnia Herzegovina also has a special place in the volume as the only Muslim-majority successor to the Habsburg empire. Bosnian Muslims were not only the reason for the recognition of Islam in the Austro-Hungarian empire in the first place, but also comprise by far the largest and still politically and socially most important Muslim community in Central and Southeast Europe. Therefore, the case of contemporary Bosnia also receives a more detailed discussion in the volume, over two separate chapters. The discussion on contemporary Bosnia, however, naturally requires a historical one as well, tracing the legacy of the Habsburg Islam Act of 1912 through the experience of post-First World War Yugoslavia: first the Kingdom of Serbs, Croats and Slovenians, then the Kingdom of Yugoslavia and finally the Socialist Federal Republic of Yugoslavia (SFRY).

In Chapter 5, Dunya Larise explores this legacy and analyses the events that shaped the evolution of the Islamic institutions in the West Balkans from the late nineteenth century until the wars concomitant with the dissolution of the SFRY in the 1990s. She discusses the way the legacy of the Islamic Act of 1912 overlapped with the institutional structures introduced by the socialist regime in

Yugoslavia, and what this overlap meant in terms of the legacy of the Yugoslav experience for contemporary disputes regarding Muslim communities and Islamic institutions in the successor states of the SFRY. Larise argues that the two offices established in Bosnia Herzegovina in the Habsburg era – the Reis-ul-Ulema and the Rijaset, the main executive body of the Islamic Community in Bosnia Herzegovina (Islamska zajednica u Bosni i Hercegovini; ICBH) – remained the main legacy of the Habsburg governance of Islam. They not only continue to be determinative for Bosnian Islam, but also still exert influence over other former constituent republics of Yugoslavia. She suggests that most contemporary issues regarding Muslim communities in former Yugoslavia concern these two institutions. As such, the chapter sets the historical stage not just for the two following chapters on Bosnia, but also for the chapters focusing on Croatia and Slovenia.

In Chapter 6, Dino Abazović focuses on post-Yugoslav Bosnia Herzegovina and analyses the specificities of state–religion relationships. In particular, the chapter addresses the status and experience of the ICBH, which has its institutional roots in Austro-Hungarian rule, and investigates its complex relationship with the state, informed by the Habsburg legacy. Abazović demonstrates that the contested nature of relations between state and religion in contemporary Bosnia and the problems faced by Bosnian Muslims and their organisations are rooted partially in the unresolved controversies of the last century. However, he also shows how later dynamics – such as the Yugoslav experience and the revitalisation and ethnicisation of religion in the post-SFRY period – redefined the confessional collective identities. The chapter also touches on the debate in contemporary Bosnia over the reform of the state to find a possible middle ground between a notion of a secular state and ethno-religious nationalisms. This middle ground, Abazović indicates, could be the basis of religious pluralism in the public sphere, based on a concept of positive equality to be guaranteed by the state.

The following chapter turns to ‘Bosnian Islam’ and takes a closer look at this ‘model’, which is frequently cited in contemporary debates over Islam in Europe. Esnaf Begić engages critically with the questions of what Bosnian Islam is and why it became of interest in some Western European countries by tracing the institutionalisation of Islam in Bosnia, especially the organisational structures that were developed during the period of Austro-Hungarian rule in Bosnia Herzegovina (1878–1918). The chapter focuses on the Islamic Community in Bosnia Herzegovina from the beginning of Austro-Hungarian rule onwards, and examines the capacity of its organisation as well as the Islamic education system and religious intellectual traditions in Bosnia to adapt to the constantly changing socio-political circumstances. It shows that the experience of Bosnian Muslims under Habsburg rule, as well as the legacy of that experience, form the basis of the characterisation of Bosnian Islam as European Islam. From the establishment

of the ICBH, which has become the central religious institution in the lives and religious practices of Bosnian Muslims, to the repositioning of Islam as the decisive determinant of Bosniaks' ethno-national self-understanding, the legacy of this period played a significant role in the shaping of the Bosnian experience of Islam from 1878 onwards. Begić argues that while it cannot be seen as a cure-all model or a simple template, the educational, intellectual and organisational characteristics of Bosnian Islam – or what he rather calls the Bosnian experience of Islam – can provide insights into tackling the problems that face Muslims in European countries today.

In Chapter 8, Dino Mujadžević maps the complicated relationship between the Croatian state and the Islamic Community in Croatia (Islamska zajednica u Hrvatskoj; ICC) in the post-Yugoslav period. The chapter traces the emergence of the ICC in continuity with the governance structure of the Islamic Community in Yugoslavia, and explores the trajectory that led to the signing of a formal agreement between the government of the Republic of Croatia and the ICC in 2002. That agreement stipulated the rights of Muslims in Croatia in terms of independence from state intervention as well as in such matters as the construction of mosques, state-supported religious education in public schools, chaplaincy in the armed forces and the police and the registration of marriages. Mujadžević analyses the extent to which this legal arrangement was informed by the historical parameters of relations between the ICC and the state in Croatia, which were rooted in the Austro-Hungarian era. The chapter explores how the ICC still derives legitimacy from the 1916 Law on the Recognition of Islam in the Kingdoms of Croatia and Slavonia (modelled on the Habsburg Islam Act of 1912), and analyses the interplay between the historical legacy and contemporary dynamics shaping the relationship between state and religion in Croatia today.

Chapter 9 looks at Islam and Muslim communities in Slovenia. Marinko Banjac and Anja Zalta discuss the legacy of the Austro-Hungarian empire and the SFRY and focus on the Islamic Community in Slovenia (ICS), which was officially registered in 1976 and to which most Muslims in contemporary Slovenia belong. By closely analysing the mechanisms that have structured the relationship between the Slovenian state and the ICS, the chapter examines the implications of the Religious Freedom Act of 2007, which emphasises that the ICS is traditionally associated with the Islamic Community in Bosnia Herzegovina. Banjac and Zalta argue that the connection with Bosnia Herzegovina means mostly 'Bosnian' Islam, which may be pluralistic when it comes to different Islamic orientations, but is strongly nationalised and contributes to friction and disagreement among Muslim communities in Slovenia. The establishment of different Muslim communities in Slovenia, such as the Slovenian Muslim Community in 2006 and the Association for the Promotion

of Islamic Culture in Slovenia in 2007, are reflections of disagreement over the manner of representing Muslims and the primacy of Bosnia Herzegovina. The chapter addresses the controversy over the representation of Muslims in Slovenia and the issue of the connection with Bosnian Islam in the light of Habsburg legacy, which forms the historical background to that connection. The cases of Croatia and Slovenia both show that while the main Islamic organisations still operate under the influence of the Bosnian Reis-ul-Ulema and Rijaset, these structures no longer have an undisputed monopoly and are today being challenged by new organisations, some of which were founded by recent Muslim immigrants.

Krisztián Csaplár-Degovics's chapter on Hungary opens with a discussion of Andre Gingrich's concept of frontier Orientalism. It argues that although this idea still exists in most countries of the quondam Habsburg monarchy, it would be misleading to see frontier Orientalism as the only framework within which Hungary's relations with and perceptions of Muslims were historically shaped. The chapter analyses the nature of the Hungarian state's relations with Muslims over the last 150 years, as the country shifted from a policy of empire-building to nation-building after the First World War. Csaplár-Degovics shows that while the Hungarian state never revoked the 1916 Law on the Recognition of Islamic Confession (the equivalent of the 1912 Islam Act in the Hungarian part of the Habsburg monarchy), its attitude to Islam in the interwar period was characterised by change, rather than by continuity with the Habsburg era. This was followed by yet another period of rupture after the Second World War, when Hungary came under Soviet influence. Csaplár-Degovics argues that while contemporary attitudes and policies towards Islam in Hungary are rooted in the ideas and debates of the 1930s and 40s, rather than in the civilisational references and Orientalism of Habsburg Central Europe, the Hungarian Islamic Community still derives legitimacy from Habsburg Islam policy so as to emphasise its Central European roots.

Chapter 11 focuses on Czech and Slovak Muslims and their long and still-incomplete struggle for state recognition, tracing this troublesome history from the interwar Czechoslovak Republic to the nation-states that came into being after the dissolution of Czechoslovakia: the Czech Republic and Slovakia. Czechoslovakia, as a successor state of the Austro-Hungarian empire, inherited a substantial part of the empire's legal system. However, the effort by Czech and Slovak Muslim leaders to register their communities was far from easy, since the *Islamgesetz* of 1912 applied only to the Czech parts; in the Slovak parts, which had been under Hungarian jurisdiction during the empire, the Hungarian Act of 1916 applied. The Czechoslovak authorities used this situation as an argument for refusing Czechoslovak Muslims' request for official registration. When they finally succeeded in gaining that registration, it was during the Nazi occupation

of Czechoslovakia in the 1940s, a circumstance that overshadowed their subsequent efforts for recognition. The Communist regime after the Second World War introduced new legislation that replaced the 1912 *Islamgesetz*, and it was only after the end of that regime that Muslim leaders renewed their efforts to acquire equal status with other churches and religious communities in the Czech Republic and Slovakia. Štěpán Macháček demonstrates that while Muslim leaders and organisations have succeeded in gaining some degree of legitimacy and public visibility in both countries, and official recognition in the Czech Republic in 2004, their status falls short of the recognition granted by the Austro-Hungarian authorities more than 100 years ago.

In the final chapter, Konrad Pędziwiatr discusses Islam and Muslims in Poland and outlines the changes they have gone through, especially during the past few decades. The historical arrangements with regard to the status of Muslims in Poland originate from overlapping legacies, since parts of contemporary Poland were under the control of the Habsburgs, where the Islam Act of 1912 applied, and others under Russian and German rule. Indeed, until 1918 more Muslims lived in Russian-ruled parts of the country, where Russian laws concerning Islam applied. The major issues regarding Islam–state relations in the Polish context, therefore, stemmed from the lack of unified regulation concerning Muslims when Poland emerged as an independent state after the First World War. Against this historical background, Pędziwiatr looks at the current status of Islam and Muslims in Poland and the growing diversity of the Muslim population. In the new demographic and organisational circumstances, he indicates, the privileged position of certain historic Muslim organisations has been a source of tension, and the framework of the relations between the authorities and Muslim populations – which is rooted in interwar Poland – has direct consequences for inter-group relations among Muslims.

Taken as a whole, the chapters in this volume draw a framework by which to analyse the impact of the Habsburg Islam policy in the shaping of the legal, political and religious structures governing Muslim communities in post-Habsburg Central and Southeast Europe. There are themes that cut across the cases explored, such as the moulding of Islamic traditions with diverse historical and political legacies, the question of integration, the coexistence of different Muslim communities and the diverse trajectory of Muslim religious organisations. They point to convergences in the evolution of Muslim communities in the region that originate in the shared Habsburg legacy. They also reveal divergence in the development of governance structures regarding Islam and Muslim communities in each successor state to the Habsburg empire, brought about by the unique dynamics of national settings.

By bringing the case of post-Habsburg Central and Southeast Europe into the broader literature on Islam and Muslims in Europe, it is hoped that this

volume also provides insight into the debate on European Islam, which has been dominated by evidence from Western Europe. The case of the post-Habsburg region is significant in that even when there were no longer organised, even sizable, Muslim communities in some post-Second World War nation-states, the legal foundations were in place, thanks to the Habsburg legacy. Such foundations enabled the emergence of new, often state-recognised Muslim religious communities after the immigration of Muslims from the 1960s onwards. In other words, they contributed to the emergence of a hierarchy, with officially recognised Islam having special status and imposing a singular organisational form – what Račius calls churchification – that was at least partly copied by other European states and which led to the marginalisation of those groups and Islamic currents that were not recognised by the state.²⁷ The structures and laws inherited from the Habsburgs have, of course, gone through major adjustments and modifications in all successor states. These modifications have been subject to criticism as reflecting an Islamophobic turn during the last few decades and contributing to the securitisation of legal regulations on Islam. The spectre of the Habsburg Islam policy and particularly the Islam Act of 1912 continues to emerge in these debates, often framed as sources of legitimacy and signs of tolerance, increasingly by Muslims themselves.

BIBLIOGRAPHY

- Amzi-Erdoğdular, Leyla (2024), *The Afterlife of Ottoman Europe: Muslims in Habsburg Bosnia Herzegovina*, Stanford: Stanford University Press.
- Benedek, Wolfgang (2011), *Der Islam in Österreich und in Europa: Die Integration und Beteiligung der Muslime und Musliminnen in der Gesellschaft*, Graz: Grazer Universitätsverlag.
- Bougarel, Xavier (2018), *Islam and Nationhood in Bosnia-Herzegovina: Surviving Empires*, trans. Christopher Mobley, London: Bloomsbury.
- Campbell, Elena (2015), *The Muslim Question and Russian Imperial Governance*, Bloomington: Indiana University Press.
- Carter-Sinclair (2019), “‘All the German Princes Driven Out!’ The Catholic Church in Vienna and the First Austrian Republic’, in *Embers of Empire: Continuity and Rupture in the Habsburg Successor States after 1918*, ed. Paul Miller and Claire Morelon, New York: Berghahn Books, pp. 177–202.
- Cesari, Jocelyne (ed.) (2014), *The Oxford Handbook of European Islam*, Oxford: Oxford University Press.
- Clayer, Nathalie, and Xavier Bougarel (2017), *Europe’s Balkan Muslims: A New History*, London: Hurst.
- Donia, Robert J. (2015), ‘The Proximate Colony Bosnia-Herzegovina under Austro-Hungarian Rule’, in *Wechselwirkungen: Austria–Hungary, Bosnia–Herzegovina, and the*

²⁷ Račius 2020: 75.

- Western Balkans, 1878–1918*, ed. Clemens Ruthner et al., New York: Peter Lang, pp. 67–82.
- Elbasani, Arolda, and Olivier Roy (eds) (2015), *The Revival of Islam in the Balkans: From Identity to Religiosity*, Basingstoke and New York: Palgrave Macmillan.
- Fine, John V. A. (1993), 'The Medieval and Ottoman Roots of Modern Bosnian Society', in *The Muslims of Bosnia-Herzegovina: Their Historic Development from the Middle Ages to the Dissolution of Yugoslavia*, ed. Mark Pinson, Cambridge, MA: Harvard University Press, pp. 1–21.
- Furat, Ayşe Zişan, and Hamit Er (eds) (2012), *Balkans and Islam: Encounter, Transformation, Discontinuity, Continuity*, Newcastle upon Tyne: Cambridge Scholars Publishing.
- Ghodsee, Kristen (2010), *Muslim Lives in Eastern Europe: Gender, Ethnicity, and the Transformation of Islam in Postsocialist Bulgaria*, Princeton: Princeton University Press.
- Górak-Sosnowska, Katarzyna (2011), *Muslims in Poland and Eastern Europe: Widening the European Discourse on Islam*, Warsaw: University of Warsaw.
- Grandits, Hannes, Nathalie Clayer and Robert Pichler (eds) (2011), *Conflicting Loyalties in the Balkans: The Great Powers, the Ottoman Empire and Nation Building*, London: I. B. Tauris.
- Greble, Emily (2021), *Muslims and the Making of Modern Europe*, Oxford: Oxford University Press.
- Halperin, Sandra, and Ronen Palan (eds) (2015), *Legacies of Empire: Imperial Roots of the Contemporary Global Order*, Cambridge: Cambridge University Press.
- Hellyer, Hisham A. (2009), *Muslims of Europe: The 'Other' Europeans*, Edinburgh: Edinburgh University Press.
- Hofhansel, Claus (2013), 'Recognition Regimes for Religious Minorities in Europe: Institutional Change and Reproduction', *Journal of Church and State* 57 (1), pp. 90–118.
- Maréchal, Brigitte, et al. (eds) (2003), *Muslims in the Enlarged Europe: Religion and Society*, Leiden: Brill.
- Merdjanova, Ina (2013), *Rediscovering the Umma: Muslims in the Balkans between Nationalism and Transnationalism*, New York: Oxford University Press.
- Mujadžević, Dino (2018), 'Ottoman and Yugoslav Legacy', in *Islamic Leadership in the European Lands of the Former Ottoman and Russian Empires: Legacy, Challenges, Change*, ed. Egdūnas Račius and Antonina Zhelyazkov, Leiden: Brill, pp. 31–44.
- Nielsen, Jørgen S. (1993), 'State, Religion and Laicity: The Western European Experience', in *Muslims and Christians in Europe: Breaking New Ground*, ed. Gè Speelman, Jan van Lin and Dick Mulder, Kampen: Kok, pp. 90–99.
- Norris, Harry T. (1993), *Islam in the Balkans*, Columbia: University of South Carolina Press.
- Okey, Robin (2007), *Taming Balkan Nationalism: The Habsburg 'Civilising Mission' in Bosnia, 1878–1914*, Oxford: Oxford University Press.
- Potz, Richard (2012), *100 Years of Austrian Legislation on Islam: An Essay by Richard Potz*, Vienna: Federal Ministry of European and International Affairs, www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Kultur/Publikationen/Islamgesetz_EN.pdf.
- Poulton, Hugh, and Suha Taji-Farouki (1997), *Muslim Identity and the Balkan State*, London: Hurst.

- Račius, Egdūnas (2017), *Muslims in Eastern Europe*, Edinburgh: Edinburgh University Press.
- and Antonina Zhelyazkov (eds) (2018), *Islamic Leadership in the European Lands of the Former Ottoman and Russian Empires: Legacy, Challenges, Change*, Leiden: Brill.
- (2020), *Islam in Post-Communist Eastern Europe: Between Churchification and Securitization*, Leiden: Brill.
- Rady, Martyn (2020), *The Habsburgs: The Rise and Fall of a World Power*, London: Penguin Books.
- Rexpehi, Piro (2019), 'Imperial Inventories, "Illegal" Mosques and Institutionalized Islam: Coloniality and the Islamic Community of Bosnia and Herzegovina', *History and Anthropology* 30 (4), pp. 477–89.
- Stoler, Ann Laura (2016), *Duress: Imperial Durabilities in Our Times*, Durham, NC: Duke University Press.
- Todorova, Maria (1996), 'The Ottoman Legacy in the Balkans', in *Imperial Legacy: The Ottoman Imprint in the Balkans and the Middle East*, ed. Carl L. Brown, New York: Columbia University Press, pp. 45–77.
- Tuna, Mustafa (2015), *Imperial Russia's Muslims: Islam, Empire and European Modernity, 1788–1914*, Cambridge: Cambridge University Press.
- Vinding, Niels Valdemar (2018), 'Churchification of Islam in Europe', in *Exploring the Multitude of Muslims in Europe: Essays in Honour of Jørgen S. Nielsen*, ed. Niels Valdemar Vinding, Egdūnas Račius and Jörn Thielmann, Leiden and Boston, MA: Brill, pp. 50–66.
- Wallner, Lukas (2007), *Die staatliche Anerkennung von Religionsgemeinschaften: Die historische und aktuelle Umsetzung der religiösen Vereinigungsfreiheit in Österreich unter Berücksichtigung des deutschen Religionsrechts*, Frankfurt am Main: Peter Lang.
- Watson, Jeremy F. (2019), 'Introduction: Textured Historicity and the Ambivalence of Imperial Legacies', *History and Anthropology* 30 (4), pp. 353–65.
- Yemeljanova, Galina M. (2002), *Russia and Islam: A Historical Survey*, New York: Palgrave.

*Austro-Hungarian Confessional Politics
in Bosnia Herzegovina: International
Law, Muslim Autonomy Movements and
the Islam Act of 1912**

JAN KREISKY

INTRODUCTORY NOTES ON CONFESSIONAL POLITICS
IN AUSTRIA–HUNGARY

Many scholars have noted that in Bosnia, and partly Herzegovina, a different understanding of Islam developed under Austria–Hungary. However, this understanding was based on, and inspired by, the practices and teachings of the traditional Hanafi school of thought.¹ In the course of the occupation of Bosnia by Austria–Hungary and its annexation afterwards, (autochthonous) Muslims of a European territory found themselves in and were confronted with a so-called Western state, which promised them religious freedom. According to Richard Potz, in this context a ‘churchization’ policy introduced by the Habsburgs, which altered the hierarchical organisation of the Islamic religious community in Bosnia, and led to a certain ‘Europeanization and modernization’ of Bosnian Islam.² Although the impact of the Habsburg policy is hard to deny, several factors in complex interaction may have been responsible for that ‘modernization’. Bosnia had been a multi-religious society for a long time before Austro-Hungarian rule, composed of diverse religious communities. Moreover, heterodox forms of Islam, such as Sufi orders and brotherhoods, had obtained a relatively strong influence there, in a tradition quite independent from the

* This chapter is the revised version of a paper first presented at the International Symposium ‘Islam and Muslim Communities in Central Europe’, organised at the University of Minnesota, in April 2012. I am grateful to Saskia Stachowitsch and Charlotte Eckler for proofreading and copyediting the conference paper.

¹ Balić 1995: 27–8.

² Potz 2010: 389.

Sublime Porte (the Ottoman government) in Istanbul.³ The multi-religious Ottoman empire had already enabled a certain internal autonomy for religious communities through its *millet* system. Centuries later, a similar structure may have developed in Habsburg territories.⁴

The aim of this chapter is to focus on the role of confessional politics in Bosnia Herzegovina under the Austro-Hungarian administration. Needless to say, religious politics under Austro-Hungarian rule cannot be separated from the dynamics of the international state system before the First World War. However, the debate on nationalism in the Balkans and the Austro-Hungarian empire, as well as the dissolution of that empire, will be secondary here. While a section is dedicated to the consequences for Austria–Hungary of the annexation of Bosnia Herzegovina, the focus is on the legal regulation of the Islamic religious community in the Austro-Hungarian empire. I will argue that from the outset, Austro-Hungarian confessional politics in relation to Muslims in Bosnia Herzegovina was shaped by the often contradictory dynamics stemming from international law on the one hand and Muslim autonomy movements on the other. These two factors were relevant during the whole period from the initial occupation of Bosnia Herzegovina to the regulation of the Islamic religious community in the Austrian and Hungarian parts of the empire.

Confessional politics under the Austro-Hungarian administration of Bosnia Herzegovina was considered either in terms of institution-building and modernising reform, or in relation to confrontation with oppositional groups.⁵ Austro-Hungarian policies concerning religion have been characterised as both abetting the unequal treatment of different religious groups and encouraging integration.⁶ Ferdinand Schmid, former head of the statistical office of the provincial government in Bosnia Herzegovina during the 1890s, later university professor in Leipzig, for example, concluded in 1914 that Muslim conservatism could be an impediment to Muslims adopting ‘abendländischen Kulturverhältnissen’ (Occidental culture) and progress, which possibly could cause a decline of that minority.⁷ According to Potz, the challenge for Austro-Hungarian governance of religion and for religious communities was to establish a religiously neutral system in a land that had been dominated by Islam for centuries, without giving the impression of discrimination.⁸ He argues that Austria–Hungary tried to do this as carefully as possible, and in an ‘Islam-friendly’ way. This chapter

³ Klieber 2010: 157–8.

⁴ Adanir 2003.

⁵ Hauptmann 1985; Čupić-Amrein 1987.

⁶ Aleksov 2007; Klieber 2010: 160.

⁷ Schmid 1914: 659–4.

⁸ Potz 2010: 389–90.

investigates the dynamics that shaped the Habsburg Islam policy in Bosnia Herzegovina, and reveals its complexities.

THE OCCUPATION OF BOSNIA AND HERZEGOVINA UNDER HINDERING INTERNATIONAL LAW

At the height of imperialism from the 1880s to the First World War, the Great Powers rapidly divided large parts of the world into spheres of influence. After the loss of vast, economically important territories in Upper Italy, the military defeat by Prussia in 1866 (which diminished the Habsburgs' influence in Germany) and the failure of the 'Greater German Solution', the political leadership of Austria–Hungary sought influence in southeastern Europe. The economic crisis of the Ottoman empire caused an uprising in 1875 by Christian *Kmeten* (peasants and serfs) in Herzegovina and parts of Bosnia following a poor harvest. According to the Austro-Hungarian authorities, more than 100,000 refugees from Herzegovina and Bosnia entered Croat territories then under the sovereign jurisdiction of Austria–Hungary. Austria–Hungary stepped into the power vacuum left by this crisis. In accord with the Russian and German empires, it demanded of the British and French empires and the Italian Kingdom, in a diplomatic note of 30 December 1875, that the Sublime Porte should carry out the promised reforms in Bosnia and proposed a programme for religious equality and agricultural relief.⁹

Austro-Hungarian claims to Bosnia Herzegovina took shape in the Treaty of San Stefano in March 1878,¹⁰ after the Serbian-Montenegrin-Ottoman and Russian-Ottoman wars, and in secret treaties between the Great Powers in the run-up to the Congress of Berlin (13 June–13 July 1878).¹¹ The Congress, chaired by the German imperial chancellor Otto von Bismarck, can be seen as linking the Congress of Vienna (1814–15), following the French Revolution and its aftermath, to the Paris Peace Conference (1919), held after the First World War and the revolutions in the large European empires.¹² The Congress of

⁹ Harris 1932.

¹⁰ For the occupation of Bosnia Herzegovina, the delegations of the Austrian Reichsrat and the Hungarian Reichstag had to approve the 'Occupation-credit'. This extraordinary credit of 60 million guilds for unforeseen expenses was still strongly disputed in the sessions of the delegation to the Reichsrat on 20 and 21 March 1878. Protokoll der Delegation des Reichsrathes, 6. Sitzung der 10. Session, 20 March 1878, 77–114; Protokoll der Delegation des Reichsrathes, 7. Sitzung der 10. Session, 21 March 1878, 115–78.

¹¹ Preliminary Treaty of Peace, signed in San Stefano 3 March 1878, extract in Geiss 1978: 15–21; Rösler 2002: 10; Potz 2010: 387.

¹² Geiss 1978: ix–xxxv. Otto von Bismarck asserted in his memoirs that it was not the Berlin Congress (1878) that laid the foundation for the Austrian possession of Bosnia Herzegovina as well as Austro-Hungarian neutrality during the war between Russia and the Ottoman empire (which shifted the Russian focus from Eastern Galicia to the Balkans). It was instead secret understandings made during the Convention of Reichstadt, which took place at the imperial retreat in Bohemia between Emperor

Berlin and the so-called Orient Crisis (1875–8; also known as the Great Eastern Crisis) arose out of conflict between a declining Ottoman empire and emerging national movements in the Balkans on the one side, and clashing interests of the Great Powers on the other. Out of this situation, a constellation of alliances (the Dual Alliance of 1879 and Triple Alliance of 1882, and the Triple Entente of 1894) had emerged by the beginning of the First World War. Owing to the occupation and later annexation of Bosnia Herzegovina by the Habsburgs, the activities of south Slavic national movements were directed predominantly against the Danube monarchy and contributed to the First World War.¹³

On 13 July 1878, the signatory powers of the Treaty of Berlin gave Austria–Hungary the mandate to occupy and administer the provinces of Bosnia and Herzegovina, using as a basis Article XXV of the new treaty.¹⁴ Still, during the Berlin Congress and after the announcement of the planned occupation, Muslim resistance in Bosnia (and Herzegovina), openly supported by the Ottomans, forced Emperor Franz Joseph I to publish his Proclamation of 28 July, in which he promised religious tolerance in Bosnia Herzegovina.¹⁵ Austria–Hungary took advantage of the opportunity offered by the Treaty of Berlin, and occupied Bosnia Herzegovina, a circumstance that was resisted by the local people. The fighting with Muslim insurgents lasted from July to October 1878. The Great Powers had not agreed to a war, and diplomatic pressure by the Ottoman Empire increased. Article XXV of the Treaty of Berlin did not stipulate any details regarding the occupation and Habsburg administration of Bosnia; it stated only that the Austro-Hungarian government would enter negotiations with the Ottoman government about Bosnia Herzegovina.¹⁶

The subsequent Convention between Austria–Hungary and the Ottoman Empire, signed on 21 April 1879, stated, first, that the administration of Bosnia Herzegovina should be based on the international agreement reached at the Berlin Conference, but that in general the Habsburg occupation should not affect the sovereign rights of the Ottoman sultan over these provinces. Second, and in more detail, it stipulated that the Ottoman functionaries in Bosnia Herzegovina be taken into the new administration. In particular, the Convention regulated the relations between the future Austro-Hungarian administration and Muslims regarding religious freedom. This implied that all religious groups, but particularly Muslims, should not only be granted complete freedom but also enjoy the special care of the government. Finally, on a symbolic level the continuity of

Franz Joseph and his guest Tsar Alexander II on 8 July 1876. These understandings were reinforced several months later by the two monarchs with the Budapest Convention of 15 January 1877. See Bismarck 1922: 245–6.

¹³ Geiss 1978: ix–xxxv.

¹⁴ Facsimile of German Reichsgesetzblatt no. 31, in Geiss 1978: 369–407; Medlicott 1938: 71–86.

¹⁵ 'Proclamation' 1878.

¹⁶ Facsimile of German Reichsgesetzblatt no. 31, in Geiss 1978: 388.

the sultanate's sovereignty remained, since the Convention stated that the name of the sultan should be mentioned in Friday prayers at the mosques, and that Ottoman flags should still be raised over mosques, as they had been previously.¹⁷ The Treaty of Berlin had concluded that the crisis in the Balkans was 'solved', enabling the Austro-Hungarian Empire to occupy Bosnia Herzegovina. But it and the Convention of 1879 complicated the subsequent incorporation of the new provinces into the Austro-Hungarian administration system and the creation of new administrative elements, since Bosnia Herzegovina remained formally under the sovereignty of the Ottoman sultan.¹⁸

HABSBURG IMPERIAL ADMINISTRATION, THE MUSLIM AUTONOMY MOVEMENT AND THE GOVERNANCE OF RELIGION IN BOSNIA

The Ottoman empire negotiated in the Convention of 1879 that the Austro-Hungarian occupation of Bosnia Herzegovina should be provisional. The imperial and royal dual government in Vienna and Budapest, however, thought this obstacle to Habsburg rule in Bosnia would be solved in time. The Austro-Hungarian Compromise (*Ausgleich*) of 1867 had complicated Bosnia Herzegovina's status in the constitutional system of the double monarchy. Bosnia Herzegovina was not a Crown land in its own right. Thus, shortly after the occupation, it came under control of the joint Council of Ministers. This was followed by the establishment of the 'Bosnian Commission' within the Foreign Ministry. From 1879 the Joint Finance Minister of the Austrian-Hungarian monarchy¹⁹ (first Benjamin Kállay, then Stephan Burián von Rajecz) had to oversee the administration of the occupied territories. The chief of the Bosnian-Herzegovinian provincial government (which did not have its own legislature), at the same time the commander of the imperial 15th army corps, had by his side a civilian head to look after the administration of the province. From 1880 onwards, Administration Acts for Bosnia and Herzegovina solidified joint proceedings of both imperial parts of Cis- and Transleithania.²⁰ The Imperial Proclamation of 28 July 1878 included the provision that the old Ottoman laws should be effective until any new ones were enacted.²¹ During the transition period from Ottoman to Habsburg administration, Ottoman legal institutions remained in place in the lower levels of the administration (such as the District-*Medžlis*), and therefore a mixed legal system existed until new

¹⁷ *Bericht* 1906: 18 ff; Medlicott 1938: 262–89; Rösler 2002: 13–16.

¹⁸ Medlicott 1938.

¹⁹ Finance minister for the whole Dual Monarchy, as distinct from the two separate finance ministers for the Austrian and Hungarian parts of the empire.

²⁰ *Bericht* 1906: 19–24.

²¹ 'Proclamation' 1878.

Habsburg institutions could replace the Ottoman ones.²² For the first time, a large Muslim population became part of Austria–Hungary: about half a million people, according to the census of 1900.²³

After the imperial administration had signed the Convention with the Ecumenical Patriarchate in 1880 and the Concordat with Rome in 1881, it created separate Islamic institutions in Bosnia Herzegovina.²⁴ This was a matter of concern for some Bosnian Muslims. In 1881, twenty-seven notables of Sarajevo submitted a petition requesting the appointment of a confessional head for the Muslim community. Later they proposed that this figure be called Reis-ul-Ulema, and that by his side there should be a Medžlis-Ulema (council of ulema).²⁵ By a highest ordinance of 17 October 1882, the imperial administration ordered (with the consent of the sheikh ül-Islam, the supreme mufti of the Ottoman empire) the mufti of Sarajevo to be the spiritual leader of Muslims in Bosnia Herzegovina, giving him the title Reis-ul-Ulema and providing him with the Medžlis-Ulema, consisting of four theologians.²⁶ In this way the Austro-Hungarian government was able to loosen the connection between Bosnian Muslims and the sheikh ül-Islam. This was the beginning of the creation of a church-like hierarchy of Islamic officials in Bosnia Herzegovina.²⁷

The petition also requested that a Muslim be entrusted with the control of the administration of *waqf* (religious endowments) in Bosnia Herzegovina. In 1883, the Austro-Hungarian administration reorganised the fragmented system of religious endowments and subordinated them to a provisional Waqf Commission, presided over by a reputable Muslim. In 1884, the administration provisionally created countrywide district-level Waqf Commissions. These finally evolved into the construction of a Provincial Waqf Commission, with a Provincial Waqf-Directorate as the executive authority, and a Provincial Waqf Fund. The educational (*Mearif*) fund was incorporated into the Waqf Fund in 1895. This Provincial Waqf Fund met hostile opposition, especially where it concerned education, since it was regarded as not substantiated by religious laws.²⁸ Muslims had asked the emperor, in a petition in 1886, for autonomy over the *waqf* administration.²⁹ Most disputed were the reforms in religious education, such as

²² *Bericht* 1906: 37–41.

²³ *Ibid.*, 6–10.

²⁴ See *ibid.*, 125–30.

²⁵ In contemporary Austrian media, this council was referred to as *Medžlis-Ulema*. In today's Bosnia, the term *Ulema-Medžlis* is also widely used.

²⁶ *Bericht* 1906: 125. Unfortunately, the imperial resolution by Franz Joseph of 17 October 1882 is not currently available. It is mentioned in Schmid 1914: 675. A short report in the *Neue Freie Presse* (*Abendblatt*), 19 December 1882, p. 1, gives an impression of the appointment of the spiritual head in Sarajevo (Mustafa Hilmi-ef. Omerović) and names the new members of this council.

²⁷ Hauptmann 1985: 685–7.

²⁸ *Bericht* 1906: 125–30; Schmid 1914, 674–94.

²⁹ Djurdjev 1998.

those establishing juridical education for Sharia judges (1887) or education for teachers in religious elementary schools (1892).³⁰

The emerging Muslim autonomy movement was especially against educational reform, which it saw as interfering with their internal affairs.³¹ By 1896, the oppositional autonomy movement had spread from Herzegovina to Bosnia. On 27 December 1895, a mixed Bosnian and Herzegovinian but predominantly Serbian Orthodox delegation gave the Habsburg emperor a memorandum that referred to obligations regarding international law in the Berlin Treaty of 1878 and the Convention of 1879.³² The memorandum listed about forty breaches of contract, especially accusations of unequal treatment in religious matters.³³

The city of Mostar had been at the centre of the first wave of the Muslim opposition movement, in which *hodjas* (Bosnian imams or teachers) played an important role and reading halls (*kiraethana*) served as local epicentres. In August 1899, representatives of Mostar reading halls demanded a statute for religious endowment and school autonomy and prepared a proposal for it. The draft statute for the Islamic religious community presented to Minister Kállay accentuated the sovereignty of the Ottoman sultan over Bosnia Herzegovina, a fact that Austria-Hungary did not accept.³⁴ The first round of negotiations between the imperial administration and opposition groups in 1901 over this draft failed largely on three points: the distribution of state subsidies for religious matters; the appointment of Reis-ul-Ulema and Ulema Medžlis; and the conferral of *Menšura*, the authorisation granted by the sheikh ül-Islam to the Reis-ul-Ulema for exercising religious functions.

The movement subsequently stagnated, but it regained momentum shortly after the granting of the Serbian Orthodox autonomy statute in 1905, when large Muslim landowners who had been loyal to the provincial government started to support the Muslim autonomy movement against it.³⁵ *Begs* and *agas*, the Bosnian aristocracy and landowners, increasingly replaced the influence of *hodjas* in the autonomy movement. Economic demands became important. From 1906 onwards the movement took 'a more organized and definitive shape' in the form of an executive committee of Muslim people's organisations, presided over by Ali Bey Firdus.³⁶ A memorandum to the Austro-Hungarian delegation in December 1906 referred explicitly to the Berlin Treaty. The memorandum

³⁰ Čupić-Amrein 1987.

³¹ For a precise historical account of the Muslim autonomy movement, see Čupić-Amrein 1987: 88–112; Neumayer 1995.

³² On the Serbian Orthodox autonomy movement and its cooperation with the Muslim autonomy movement, see Čupić-Amrein 1987: 60–87.

³³ Ibid., 66–73; Rösler 2002: 31–2.

³⁴ Djurdjev 1998.

³⁵ The Kállay regime had relied heavily on large Muslim estates.

³⁶ Djurdjev 1998.

contained mainly economic claims and demanded that in this respect in the future the Berlin Treaty should be followed.³⁷ The preparation of the Serbian Orthodox church and school autonomy statute led the emerging movement of Muslims to aim at a similar self-administration, which resulted in consultations with the imperial government in June 1907 but ended without agreement on the conferral of *Menšura*.³⁸ After many unsuccessful memoranda, mixed opposition groups of different religious denominations submitted another memorandum in 1907, this time to the International Peace Conference in The Hague. This document accused Austria–Hungary of breaching international law regarding the mandate over Bosnia Herzegovina. It contained, besides accusations of economic neglect and other offences, complaints about unequal treatment in religious matters. With this memorandum Bosnia Herzegovina moved again to the centre of the politics of Europe’s Great Powers.³⁹

CONFLICTED FORMAL ANNEXATION OF BOSNIA AND HERZEGOVINA

In 1908, the Austro-Hungarian leadership feared that, with the outbreak of the Young Turk Revolution that restored constitutional rule in the Ottoman empire, the Ottomans would attempt to repeal Article XXV of the Berlin Treaty, which enabled Austria–Hungary to occupy and administer Bosnia and Herzegovina. Austria–Hungary therefore notified the signatory powers of the annexation of Bosnia Herzegovina on 5 October.⁴⁰ This formal annexation triggered a months-long crisis in Europe, a crucial step in the lead-up to the First World War. International tension culminated in the threat of war between Austria–Hungary and Serbia. By February 1909, Austria–Hungary had managed to achieve the international isolation of Serbia and formal recognition of the annexation of Bosnia Herzegovina by the Sublime Porte. During the whole period of occupation since the Treaty of Berlin and the Convention of 1879, Austria–Hungary had been exercising administrative authority in Bosnia Herzegovina, even if the provinces remained formally under the sovereignty of the Ottoman sultan. With the Imperial Proclamation of October 1908, that status under international law was brought under imperial and ‘constitutional’ law.⁴¹

In 1909, the Muslim autonomy movement in Bosnia Herzegovina finally achieved the promulgation of the statute of autonomous administration of Islamic religion, endowments and schools. In January 1908, reopened negotiations between the Habsburg government and Muslims in Bosnia had concluded

³⁷ Čupić-Amrein 1987: 88–112.

³⁸ *Bericht* 1907: 43–4.

³⁹ Čupić-Amrein 1987: 85–7; Rösler 2002: 32–3.

⁴⁰ Rösler 2002: 17.

⁴¹ *Ibid.*; Čupić-Amrein 1987: 47; Schmid 1914: 25 ff.

with agreement on the three main disputed questions. A religious electoral curia (*geistliche Wahlkurie*) was granted decisive influence on the appointments of Reis-ul-Ulemas and the Ulema Medžlis, and state subsidies for Muslim concerns were placed at the disposal of the Provincial Vakf Commission. In September 1908, mutual consent was reached concerning the question of the *Menšura*: after the appointment of the Reis-ul-Ulema, the electoral curia had to make a diplomatic effort to attain the autonomy of the *Menšura* from the Ottoman sheikh ül-Islam.⁴² The verdict of the sheikh ül-Islam was accepted by the Habsburg government and was also added to the Entente Protocol of 26 February 1909 between the imperial Ottoman and Austro-Hungarian governments, an agreement that, for the two provinces of Bosnia and Herzegovina, replaced the Convention of 21 April 1879.⁴³ Article 4 stated that the 'freedom and outward observance of the Mussulman religion will be assured, as in the past, to persons inhabiting or sojourning in Bosnia and Herzegovina', and that they should 'continue to enjoy the same civil and political rights as all the inhabitants of Bosnia and Herzegovina belonging to other religions'.⁴⁴

Furthermore, regarding the conferral of *Menšura*, the Protocol stipulated that no obstacle should be placed in the way of relations between Muslims and their spiritual leaders, who 'shall be subject, as always, to the Chéik-ul-Islamat at Constantinople, which latter will give investiture to the Reïs-ul-Uléma'.⁴⁵ This had been the main impediment to the Islamic autonomy statute of 1909. The Statute of the Autonomous Administration of the Islamic Religion, Endowments and Schools primarily set out the form of the Vakf-Mearif administration, the task of which was the founding and maintenance of mosques and other Islamic religious, cultural and humanitarian institutes, and the education of religious servants, teachers and the Islamic youth in questions of faith.⁴⁶ The statute determined the organs and electoral bodies, such as assemblies, at all levels from local (*Džemat*) to countrywide. It also established the administration of the *Vakuf-Mearif* funds, with the Ulema Medžlis heading the administration and composition of the Islamic religious institutions.⁴⁷

After the international question of annexation had been formally resolved, internal problems concerning constitutional relations between the Austrian and Hungarian governments as well as within the double province of Bosnia

⁴² *Bericht* 1908: 39–40; Čupić-Amrein 1987: 88–112.

⁴³ *Bericht* 1909: 45–6.

⁴⁴ 'Protocol' 1909: 287.

⁴⁵ *Ibid.*

⁴⁶ 'Allerhöchste Entschließung vom 15. April 1909 betreffend das Statut über die autonome Verwaltung der islamitischen Religions-, Stiftungs- und Schulangelegenheiten in Bosnien und der Hercegovina', in *Gesetz- und Verordnungsblatt für Bosnien und die Hercegovina*, Part X, 1 May 1909, pp. 419–54.

⁴⁷ 'Statut vom 1. Mai 1909 über die autonome Verwaltung der islamitischen Religions-, Stiftungs- und Schulangelegenheiten in Bosnien und der Hercegovina', in *ibid.*

Herzegovina became even more pressing. The Austrian ('in the Imperial Council-represented Kingdoms and Countries') and Hungarian ('the lands of the holy Hungarian Crown') sides of the monarchy quarrelled about which part should incorporate the acquired territories. The 'Bosnian-Herzegovinian Constitution' (provincial statute) of 17 February 1910 could not completely clarify the constitutional relation of Bosnia Herzegovina to the monarchy.⁴⁸ As well as basic legal elements, the constitution was comprised of the provincial statute, which in Article 8 granted freedom of faith, conscience and creed, and explicitly named (contrary to Austro-Hungarian constitutional law dating from 1867) all recognised religious societies in Bosnia Herzegovina, including the 'Islamites'. Article 10 of the provincial statute guaranteed the application of Sharia law in matters of family, matrimony and inheritance between Muslims. The second part of the provincial statute contained norms concerning a Bosnian and Herzegovinian state parliament (*Landtag*).⁴⁹ Bojan Aleksov described the consequences: 'Emperor Franz Joseph I furnished the Bosnian *Landtag* with very limited rights to self-government and structured it along strictly confessional lines ... The voting in confessional clusters further radicalized the national parties and deepened the mistrust towards the government among the population.'⁵⁰

Contemporary critics argued that the establishment of a religious electoral curia was designed to create dissent among the main denominational groups.⁵¹ Article 42 of the provincial statute granted the Bosnian and Herzegovinian state parliament the power to make laws in matters of inter-denominational relations and of relations between the denominations and the state authority, provided that it did not intervene in equality, internal organisation or the practices of recognised congregations.⁵² This can be considered exceptional. The officially named 'Kingdoms and Countries Represented in the Imperial Council', the Austrian territories of the Dual Monarchy, were granted universal suffrage for men in 1907, but without any denominational partitioning, while the 'Lands of the Holy Crown of St Stephen', the Hungarian territories, did not obtain it until the end of the monarchy. For example, the *Landtag* of Bukovina had denominational 'virilists' (ex-officio members; seats delegated owing to their clerical offices), but no religious electoral curia. It seems that the Bosnian and Herzegovinian religious electoral curia was exceptional in Austria-Hungary.

⁴⁸ 'Allerhöchste Entschließung vom 17. Februar 1910 betreffend die Einführung von verfassungsmäßigen Einrichtungen', in *Gesetz- und Verordnungsblatt für Bosnien und die Hercegovina*, Part II, pp. 21–73.

⁴⁹ Rösler 2002: 33–40; Čupić-Amrein 1987: 47–52.

⁵⁰ Aleksov 2007: 214.

⁵¹ Rösler 2002: 46–7.

⁵² *Ibid.*, 42.

CONSEQUENCES FOR AUSTRIA–HUNGARY OF THE ANNEXATION
OF BOSNIA HERZEGOVINA

One of the most important consequences of the annexation was the adoption of the *Islamgesetz*, the Islam Act of 15 July 1912. Since the relevant provisions of the 1909 Statute and the 1910 Constitution were for Bosnia Herzegovina only, the Islam Act gave the recognition of followers of Islam according to Hanafi *madhhab* only in the Austrian territories of the Dual Monarchy.⁵³ The Act originated in Muslims' demands for the formal recognition of their religion in the empire. A few weeks after the formal annexation, Muslims living in Vienna inquired at the Ministry for Religious Affairs and Education (k.k. Ministerium für Kultus und Unterricht) about the possible recognition in Austria–Hungary of Islam as a religious society.

The demand for recognition can be traced back to the application by the Committee of Action of the Austrian Orient Association in January 1909 to establish a mosque in Vienna. The Association justified its application by referring to the plans of the city's mayor, Karl Lueger, to build a mosque for Muslims living there, and argued that foreign policy rationales would favour the legal recognition of an Islamic religious society, as well as the building of a mosque. More than 600,000 Muslims had been living in the monarchy since the annexation of Bosnia Herzegovina, and hundreds were in military service in Vienna. The ministry denied the application, maintaining that the association had no legitimacy. This triggered a long and intensive period of negotiation and preparation in Austria's executive and legislative branches. By the end of February 1909, an inter-ministerial working group had been formed to discuss the recognition of Islam in principle and to draft an Act to that effect.⁵⁴ In June 1909, before the 'Bosnian Constitution' was enacted, this draft was brought before the House of Lords.⁵⁵

Together with the Act on the Legal Recognition of Religious Societies (1874), the Basic Law on the Fundamental Rights of Citizens (1867) granting freedom of faith, conscience and creed had established the legal basis for the recognition of Islam in 1912 via the Islam Act. The Basic Law was a turning point in the history of the Catholic-dominated empire, since it brought about the constitutional equality of legally recognised churches and religious societies, although they were still under the supervision of the state. The Act of 1874

⁵³ 'Gesetz vom 15. Juli 1912, betreffend die Anerkennung der Anhänger des Islams nach hanefitischem Ritus als Religionsgesellschaft', in *Reichsgesetzblatt für die im Reichsrath vertretenen Königreiche und Länder*, Part LXVI, 9 August 1912, pp. 875–6.

⁵⁴ Rösler 2002; Potz 2010: 391 ff.

⁵⁵ Schmid 1914: 33.

standardised the preconditions for the recognition of religious societies.⁵⁶ It did not mention the Islamic Community explicitly,⁵⁷ however, and its proponents in the ministerial preparation commission argued that it did not contain any rules about Muslim matrimony.⁵⁸ Therefore, a special law was needed in the shape of the Islam Act. Since the legal recognition of Islam referred directly to the Hanafi school of Islamic law, its orientation towards Muslims in Bosnia Herzegovina was explicit. This was also out of consideration for external affairs with the Ottoman empire. Essentially, the Act granted Muslims the same rights as members of the Roman Catholic Church and other religious societies recognised by law in the Austrian territories. They now enjoyed the right to establish confessional institutions (such as pious foundations) and hospitals, to practise their religion freely (spiritual guidance was now allowed in the military and religious education in schools, for example) and to handle internal affairs by themselves. One limitation was that Islamic law (for instance, with regards to polygamy) should not contradict the Austrian Basic Law.⁵⁹

The turning point for the ambivalent integration policies of the monarchy regarding Bosnia Herzegovina was Bosnian Muslims entering the imperial army. With the Temporary Defence Act of 1881 for Bosnia Herzegovina, the army conscripted Muslims for the first time. That Act was abrogated by the new Military Act for Bosnia Herzegovina of 11 August 1913, which granted that the conscripted Bosnian and Herzegovinian *Landesangehörige* ('provincial affiliates', rather than citizens) should be treated as equal to the conscripts of Austria-Hungary.⁶⁰ After the introduction of the 1881 Act, the last major uprising against the Austro-Hungarian occupying forces took place.

The authors of the defence bill (1881) considered the special needs of Muslim conscripts carefully, and additional regulations governed their treatment in the army. Fridays and certain Islamic holidays, such as Ramadan and Eid al-Fitr, were considered rest days. Muslim soldiers were allowed to supply themselves with food separately, to attend medical examinations individually and – when off duty – to visit the mosque. Bosnian infantry members wore breeches and fezes. From 1909 to 1914, four military imams were employed in the Bosnian and Herzegovinian units. In 1913, Emperor Franz Joseph approved the creation of the military position of mufti.⁶¹ These additional rights resulted from the increasing presence and contribution of Bosnian Muslim soldiers in the army. On 17 September 1911, for example, the social revolts that occurred in the

⁵⁶ Potz 2010: 388–9.

⁵⁷ Kalb, Potz and Schinkele 1998: 77–8.

⁵⁸ Rösler 2002: 198–211; Potz 2010: 392–3.

⁵⁹ Neumayer 1995: 122–5.

⁶⁰ *Bericht* 1913: 109–10.

⁶¹ Neumayer 1995.

Viennese workers' district of Ottakring were brutally crushed by, above all, Bosnian and Herzegovinian infantry regiments.⁶² The exceptional legal dispositions, as reserved in the 'Bosnian-Herzegovinian Constitution' of 1910, were brought about because of the various martial developments, first in early May 1913 and then in July 1914 for Bosnia Herzegovina too.⁶³ Finally, the participation of Bosnian Muslims in the imperial army in the First World War sealed the importance of their integration and recognition. During the conflict, the number of Muslim chaplains increased sharply. During the war ninety-two military imams were in the reserves, while at the beginning of 1918 a military mufti and two imams were in military service and five military imams were in the reserves.⁶⁴

The Ungarisch-bosnische wirtschaftliche Zentralstelle (Hungarian-Bosnian Economic Central Office) took the initiative for the legal regulation of an Islamic religious community in Hungary at a much later stage than in Austria. On the one hand it was argued that Turkish Muslims had been living alongside Hungarians for centuries. On the other, old Christian resentments and perceptions about the 'incoherence' of the Qur'an were used to make a case against the adoption of an organisational statute for Muslims in Hungary.⁶⁵ It was only in 1916 that legal recognition was granted to Muslims there.⁶⁶

It should be emphasised that the purpose of the Islam Act of 1912 was not just the improved integration of Muslim soldiers from Bosnia Herzegovina into the Austro-Hungarian army. The process of recognising Islam in fact affected the empire much more widely. It played a significant role in opening up medical studies to women at Austrian universities, for example. It was Joint Finance Minister Benjamin Kállay – responsible for the administration of the provinces of Bosnia and Herzegovina – who first posted two job advertisements in Switzerland for female public-health officers in Bosnia in 1891. At the time, women were not allowed to study medicine in Austrian universities, so women from Austria went to Zurich to do so. The Austro-Hungarian authorities argued for the need for female physicians in Bosnia for religious and cultural reasons, since treatment by male doctors was not an option for Muslim girls and women.⁶⁷ In their demands to the authorities and universities in Vienna, those advocating for women's admission to Austrian universities invoked this need for female public-health officers in Bosnia. In 1902–3, five female public-health officers (Anna Bayerová, Bohuslava Kecková, Teodora Krajewska, Gisela Kuhn and

⁶² Maderthaner 2005: 34 ff.

⁶³ Hautmann 2017: 78.

⁶⁴ Neumayer 1995.

⁶⁵ Balkanyí 1913: 3.

⁶⁶ Rösler 2002: 196–222.

⁶⁷ Bericht 1906: 90.

Jadwiga Olszewska) practised in Bosnia Herzegovina.⁶⁸ Gabriele Possanner von Ehrental – the first woman to graduate in medicine from an Austro-Hungarian university, in 1897 – applied for a post at a physician's office in Bosnia, since at the time no opportunities to work as a female doctor were available in Austria–Hungary.

The Islam Act of 1912 was meant to become the legal foundation for the integration of the Muslim population as a minority, and to intensify the integration of the province of Bosnia Herzegovina into the multi-confessional federation of Austria–Hungary. It seems, however, that only a few Bosnian Muslims migrated to the Cisleithanian part during the last years of the monarchy, and just 889 Muslims were living in Vienna in 1909.⁶⁹ Emigrants from Bosnia, especially Muslims, went mainly to Turkey and America during this period.⁷⁰ It can be argued that the Islam Act was far more influential in the Austrian Second Republic (from 1945 onwards) than at the time of its creation. Nevertheless, it marked a turning point in the Austro-Hungarian confessional policy and would have an impact beyond Austria, in post-Habsburg countries.

CONCLUDING REMARKS

The inner rule of the Dual Monarchy for the forging of confessional politics in Bosnia Herzegovina can be discussed beyond the two significant factors highlighted in this chapter: the international framework and the Muslim autonomy movements. In a series of interesting remarks in December 1913, the Austrian sociologist Otto Neurath (1882–1945), who made many study trips to the Balkans supported by the Carnegie Endowment for International Peace, pointed to the disputed, long-standing 'protectorate rights' of Austria–Hungary over Bosnia Herzegovina.⁷¹ Neurath had already stressed the notion of religious denominational politics of Austria–Hungary regarding Bosnia, and described the inner affairs of the monarchy with a focus on the Orthodox South Slavs. At that time, the Orthodox South Slavs were regarded almost as a menace to the monarchy. The religious policies of Austria and of Hungary did not follow the same principles, Neurath noted, nor were their ethnicity policies in line with each other. Austria–Hungary's confessional policy in Bosnia was even more complicated, since it diverged from those of both Austria and Hungary. Policies to be applied in Bosnia required the consent of both parts of the empire. As

⁶⁸ Abid 2006: 166; Bolognese-Leuchtenmüller 2000: 21; Fuchs 2011: 76–85; Heindl 1993: 17–26; Stipsits 2000: 27–44.

⁶⁹ Potz 2010: 390.

⁷⁰ See statistical parts of the reports of the joint Finance Ministry 1906–16.

⁷¹ Neurath 1914: 123.

a result, the Orthodox South Slavs were treated quite differently in Austria, Hungary and Bosnia, a fact that stirred up great conflict.⁷²

According to Neurath, more in-depth analyses of Austro-Hungarian confessional policies in Bosnia Herzegovina regarding the Muslim population should take into consideration the interplay of the two imperial parts. This could be done, so far as they concerned religion, via the Administration Acts for Bosnia and Herzegovina beginning in 1880, which facilitated joint proceedings. Such analyses would also require the examination of the parliamentary proceedings of the Austrian Reichsrat and the Hungarian Reichstag, as well as the Austro-Hungarian delegation (a kind of coordinating representative institute in existence since the Austro-Hungarian Compromise of 1867), in addition to the joint ministries for foreign affairs, finances and war. Only expanded research taking into consideration the interplay between the constituent parts of the Dual Monarchy can help us address such questions as why the Hungarian Islam Act came in 1916, four years later than the Islam Act of 1912.

BIBLIOGRAPHY

- Abid, Liselotte (2006), 'Muslims in Austria: Historical and Contemporary Experiences', *Forum Bosnae* 38, pp. 166–86.
- Adanir, Fikret (2003), 'Religious Communities and Ethnic Groups under Imperial Sway: Ottoman and Habsburg Lands in Comparison', in *The Historical Practice of Diversity: Transcultural Interactions from the Early Modern Mediterranean to the Postcolonial World*, ed. Dirk Hoerder, New York: Berghahn Books, pp. 55–86.
- Aleksov, Bojan (2007), 'Habsburg's "Colonial Experiment" in Bosnia and Hercegovina Revisited', in Ulf Brunnbauer, Andreas Helmedach and Stefan Troebst (eds), *Schnittstellen. Gesellschaft, Nation, Konflikt und Erinnerung in Südosteuropa. Festschrift für Holm Sundhausen zum 65. Geburtstag*, Munich: De Gruyter Oldenberg, pp. 201–16.
- Balić, Smail (1995), 'Zur Geschichte der Muslime in Österreich I. Lebensräume und Konfliktfelder', in *Islam zwischen Selbstbild und Klischee. Eine Religion im österreichischen Schulbuch*, ed. Susanne Heine, Vienna: Bohlau Verlag, pp. 23–35.
- Balkanyí, Koloman (1913), 'Die Regelung der Religionsverhältnisse der Mohammedaner in Ungarn', *Neue Freie Presse*, 6 August, p. 3.
- Bericht über die Verwaltung von Bosnien und der Hercegovina 1906*, K. und K. Gemeinsamen Finanzministerium, Vienna: Adolf Holzhausen, 1906.
- Bericht über die Verwaltung von Bosnien und der Hercegovina 1907*, K. und K. Gemeinsamen Finanzministerium, Vienna: Adolf Holzhausen, 1907.
- Bericht über die Verwaltung von Bosnien und der Hercegovina 1908*, K. und K. Gemeinsamen Finanzministerium, Vienna: Adolf Holzhausen, 1908.
- Bericht über die Verwaltung von Bosnien und der Hercegovina 1909*, K. und K. Gemeinsamen Finanzministerium, Vienna: Adolf Holzhausen, 1910.

⁷² Ibid., 127.

- Bericht über die Verwaltung von Bosnien und der Hercegovina 1913*, K. und K. Gemeinsamen Finanzministerium, Vienna: Adolf Holzhausen, 1914.
- Bismarck (Fürst von), Otto (1922), *Gedanken und Erinnerungen*, vol. 2, Stuttgart and Berlin: J. G. Cotta'sche Buchhandlung 1922, pp. 245–6.
- Bolognese-Leuchtenmüller, Birgit (2000), “‘Und bei allem war man die Erste!’ Einführende Bemerkungen zum Thema Frauen und Medizin’, in *Töchter des Hippokrates: 100 Jahre akademische Ärztinnen in Österreich*, ed. Birgit Bolognese-Leuchtenmüller and Sonia Horn, Vienna: ÖÄK-Verlag, pp. 9–26.
- Čupić-Amrein, Martha (1987), *Die Opposition gegen die österreichisch-ungarische Herrschaft in Bosnien-Hercegovina (1878–1914)*, Bern: Peter Lang.
- Djordjević, Branislav (1998), ‘Bosnia’, in *Encyclopaedia of Islam*, 2nd edn, vol. 1, ed. Peri Bearman et al., Leiden: Brill.
- Fuchs, Brigitte (2011), ‘Orientalizing Disease: Austro-Hungarian Policies of “Race”, Gender, and Hygiene in Bosnia and Herzegovina, 1874–1914’, in *Health, Hygiene and Eugenics in Southeastern Europe to 1945*, ed. Christian Promitzer, Sevasti Trubeta and Marius Turda, Budapest and New York: Central European University Press, pp. 57–85.
- Geiss, Imanuel (ed.) (1978), *Der Berliner Kongreß 1878: Protokolle und Materialien*, Schriften des Bundesarchivs 27, Boppard am Rhein: Boldt.
- Harris, David (1932), ‘The Origin of the Andrassy Note of December, 1875’, *Pacific Historical Review* 1 (2), pp. 193–210.
- Hauptmann, Ferdinand (1985), ‘Die Mohammedaner in Bosnien-Hercegovina’, in *Die Habsburgermonarchie 1848–1918*, vol. 4, ed. Adam Wandruszka and Peter Urbanitsch, Vienna: Verlag der Österreichischen Akademie der Wissenschaften, pp. 670–701.
- Hautmann, Hans (2017), ‘Kriegsjustiz in Bosnien-Herzegowina unter Habsburgs Herrschaft’, in *Zeithistoriker – Archivar – Aufklärer. Festschrift für Winfried R. Garscha*, ed. Claudia Kuretsidis-Haider and Christine Schindler, Vienna: Dokumentationsarchiv des Österreichischen Widerstandes: Zentrale Österreichische Forschungsstelle Nachkriegsjustiz, pp. 67–81.
- Heindl, Waltraud (1993), ‘Zur Entwicklung des Frauenstudiums in Österreich’, in ‘Durch Erkenntnis zu Freiheit und Glück ...’ *Frauen an der Universität Wien ab 1897*, ed. Waltraud Heindl and Marina Tichy, Vienna: Westdeutscher Universitätsverlag, pp. 17–26.
- Kalb, Herbert, Richard Potz and Brigitte Schinkele (eds) (1998), *Religionsgemeinschaftenrecht: Anerkennung und Eintragung*, Vienna: Österreichisches Archiv für Kirchenrecht.
- Klieber, Rupert (2010), *Jüdische – christliche – muslimische Lebenswelten der Donaumonarchie 1848–1918*, Vienna, Cologne and Weimar: Böhlau.
- Maderthaner, Wolfgang (2005), ‘Das andere Wien des Fin de Siècle – Drei Studien’, in *Kultur Macht Geschichte: Studien zur Wiener Stadtkultur im 19. und 20. Jahrhundert*, Vienna: LIT Verlag, pp. 27–69.
- Medlicott, William (1938), *The Congress of Berlin and After: A Diplomatic History of the Near Eastern Settlement 1878–1880*, London: Methuen & Co.
- Neumayer, Christoph (1995), ‘Der Islam in Österreich-Ungarn 1878–1918. Neuordnung der muslimischen Kultusverwaltung in Bosnien. Muslime in der k.u.k. Armee. Muslime in Wien und Graz’, MA thesis, University of Vienna.

- Neurath, Otto (1914), 'Die konfessionelle Struktur Österreich-Ungarns und die orientalische Frage', *Weltwirtschaftliches Archiv* 3, pp. 108–38.
- Potz, Richard (2010), 'Das Islamgesetz 1912 und der religionsrechtliche Diskurs in Österreich zu Beginn des 20. Jahrhunderts', in *Grundlagen der österreichischen Rechtskultur. Festschrift für Werner Ogris zum 75. Geburtstag*, ed. Thomas Olechowski, Christian Neschwara and Alina Lengauer, Vienna, Cologne and Weimar: Brill, pp. 385–407.
- 'Proclamation', *Wiener Zeitung*, 28 July 1878, pp. 1–2.
- 'Protocol between Austria–Hungary and Turkey', *American Journal of International Law* 3 (4) (1909), pp. 286–9.
- Protokoll der Delegation des Reichsrathes, 6. Sitzung der 10. Session, 20. März 1878.
- Protokoll der Delegation des Reichsrathes, 7. Sitzung der 10. Session, 21. März 1878.
- Rösler, Gerhard (2002), 'Die Entstehung des Islamgesetzes für den hanefitischen Ritus und die bosnisch-herzegowinische Verwaltung zwischen 1878 und 1918. Ein Beitrag zum österreichischen Staatskirchenrecht', PhD thesis, University of Vienna.
- Schmid, Ferdinand (1914), *Bosnien und die Herzegovina unter der Verwaltung Österreich-Ungarns*, Leipzig: Verlag von Veit & Co.
- Stipsits, Sonja (2000), "... so gibt es nichts Widerwärtigeres als ein die gesteckten Grenzen überschreitendes Mannweib". Die konstruierte Devianz – Argumente gegen das Frauenstudium und Analyse der Umstände, die 1900 dennoch zur Zulassung von Frauen zum Medizinstudium geführt haben', in *Töchter des Hippokrates: 100 Jahre akademische Ärztinnen in Österreich*, ed. Birgit Bolognese-Leuchtenmüller and Sonia Horn, Vienna: ÖÄK-Verlag, pp. 27–44.
- Werkner, Ines-Jacqueline, and Antonius Liedhegener (eds) (2013), *Europäische Religionspolitik. Religiöse Identitätsbezüge, rechtliche Regelungen und politische Ausgestaltung*, Wiesbaden: Springer.

Islam and the Austrian State between Two Islam Acts

THOMAS SCHMIDINGER

INTRODUCTION

In December 2010 the Austrian Office of Religious Affairs recognised the Alevi community in the country as a ‘registered denominational community’ (*eingetragene religiöse Bekenntnisgemeinschaften*). Three years later, in 2013, the registered Alevi denominational community was ‘upgraded’ to a ‘recognised religious society’ (*anerkannte Religionsgesellschaft*). In March and August of that year, respectively, the Islamic Shi‘i religious community and the Old Alevi religious community also acquired the status of registered denominational communities. Until that time, the Islamic Religious Community in Austria (Islamische Glaubensgemeinschaft in Österreich; IGGÖ) had been the only official representative of Muslims in Austria and claimed to be the exclusive authority for all Muslims living in that country. The IGGÖ has continuously denied the claim that Alevism is part of Islam. In fact, it recognised the Alevis as a registered denominational community only after the Austrian Office of Religious Affairs did so, and it still expresses reservations about recognition of the Alevis.

This chapter outlines the development of a legal tradition of Islam in Austria that is more than a century old, with a special focus on the continuity and interruption of state policies. It provides an overview of the different corporate types of religious community in Austria, their relationship with one another and with the state. It will demonstrate that challenges arose from a religious policy that assumed a unified Muslim religious community. This assumption, it will be argued, created difficulties especially for non-Sunni Muslims in Austria attempting to gain recognition as religious communities.

THE ISLAM ACT OF 1912

Religious freedom in Austria underwent constant change in the early part of the twentieth century, when the country was still part of the Habsburg empire, and long before the Muslim migration of the 1960s and 70s. The development of the legal status of Muslims in Austria, a product of their historical status in the Austro-Hungarian empire, was different from that of Muslims in many other European countries. Austria, as the centre of the Austro-Hungarian empire, had a close relationship with the Islamic population in Bosnia Herzegovina. Owing to the occupation of Bosnia in 1878 and its annexation in 1908, a substantial number of adherents of the Muslim faith lived within the territory of the Austrian monarchy.¹ Thus, for the first time the Austro-Hungarian administration was confronted with a significant Muslim population. Within a few decades the monarchy managed to transform a former part of the Ottoman Empire, considered to be conservative and underdeveloped, into a state in symbiosis with Islamic Europeans.

The annexation led to a need for the recognition of Islam in Austria, since the right of public practice of religion depended on recognised status under Article 15 of the Basic Law on the Fundamental Rights of Citizens of 1867, which provided institutional guarantees for legally recognised churches and religious communities.² According to these guarantees, the religious communities were given privileged status as a corporate body under public law. At that time, owing to the Deed of Tolerance signed in 1781 by Emperor Joseph II, the two evangelical churches, AB (Augsburg Confession, Lutherans) and HB (Helvetic Confession, Calvinist), and the Catholic Church were already recognised. This led to a de facto automatic state recognition of the existing churches and communities as official representatives of their respective religions.

Since Article 15 did not contain any legal requirements for such recognition, it was necessary to establish a process to evaluate how non-recognised religious communities could acquire recognised status.³ On the occasion of the foundation of the Old Catholic Church, the Act of 20 May 1874 concerning the Legal Recognition of Religious Societies (hereafter the 1874 Recognition Act) was created to define the legal prerequisites for recognition.⁴ In 1890, the Israelite Act (*Israelitengesetz*) finalised the recognition of the Jewish community.

¹ Heine 2005: 102.

² 1867 Basic Law, Official Gazette of the Austrian Empire 142/1867 (*Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger*, RGBl 142/1867).

³ Kalb Potz and Schinkele 2003: 93.

⁴ 1874 Recognition Act, Official Gazette of the Austrian Empire 1874/68 (*Gesetz betreffend die gesetzliche Anerkennung von Religionsgesellschaften*, RGBl 68/1874).

After the annexation of Bosnia Herzegovina, the government first examined whether Islam could be recognised based on the 1874 Recognition Act. The investigative special commission concluded that the Islamic legal system was in part contradictory to Austrian legislation and therefore could not be recognised without restrictions. The commission was concerned that the Qur'an regulates not only the religious but also the quotidian behaviour of faithful Muslims, including private and criminal behaviour and political and administrative principles, and determined that some areas of Qur'anic legislation contradicted the Christian-European tradition.⁵

Two aspects of Islam in the annexed territory were considered especially problematic: the absence of a Catholic Church-like organisational structure and the question of polygamy. It turned out that the 1874 Recognition Act was designed only for Christian organisational structure, and hence did not take the particularities of Islam – or of any other religion that did not fit this church-type organisational form – into account. The lack of a single comprehensive constitution for the religion, for instance, placed Islam outside the established regulatory pattern. There was also a need to ensure that its followers acted in accordance with existing Austrian marital law. Official documents issued in the period reflect the monarchy's attempt to remove doubts about the recognition of Islam. In the explanatory remarks of a government bill in 1909 that referred to the situation in Bosnia Herzegovina, it was claimed that:

the life of the believers of Islam reveals a deep faith in God along with a high ethical sense of duty, [so there is no doubt that] neither the practice of worship nor the exercise of holding religious belief would give offence or be in contradiction to the current or future postulates of cultural life.⁶

With the Islam Act of 15 July 1912 relating to the recognition of Hanafi Islam as a religious society, Muslims became adherents of a recognised religious society.⁷ They did not yet, however, have the same status as followers of the Roman Catholic Church. As a result of the Act, Muslims enjoyed the privileges provided by Article 15 of the Basic Law: recognised churches and religious communities had the right to manifest their faith collectively in public, to organise and administer their internal affairs independently, and to remain in possession of acquired institutions, foundations and funds dedicated to cultural, educational and charitable purposes. Islamic organisations were, like all other

⁵ Schima 1989: 545 ff.

⁶ Government bill, Regierungsvorlage zum Islamgesetz, EB 1 HH, XX. Session 1909.

⁷ 1912 Islam Act, Official Gazette of the Austrian Empire No. 159/1912 (Gesetz vom 15. Juli 1912, betreffend die Anerkennung der Anhänger des Islam nach hanafitischen Ritus als Religionsgesellschaft, RGBl 159/1912).

societies, subordinated to the law of the state. Section 6 §2 of the Islam Act stipulated that only those [Islamic] teachings, facilities and practices that did not contradict the state law enjoyed state protection, which meant, for example, that polygamy was prohibited. In asserting these limits, the Act aimed to ensure that it created an official Islam that resembled existing Catholic and Protestant Church structures. It also intentionally acknowledged the legal status of Hanafi Islam only.⁸ Of the four Islamic legal schools (*madhāhib*), this was the only one to be represented in Bosnia Herzegovina, so – from the perspective of the Austrian state at the time – there was no practical need to extend similar legal status to adherents of other Islamic legal traditions.

The Act initially applied only to Cisleithania, that is to say the part of the empire that consisted of the present-day states of Austria,⁹ Slovenia and the Czech Republic, the later Polish and Italian territories of the Habsburg monarchy, most of present-day Western Ukraine and Dalmatia. For Transleithania (the Hungarian half of the empire: present-day Hungary,¹⁰ Transylvania, Slovakia, Carpatho-Ukraine, Vojvodina and most of Croatia), a similar recognition was decided only during the First World War, in 1916, when the Habsburgs were allied with the Ottoman Empire.

The Muslim population in Austria experienced a major restriction with the ban on polygamy. The Austrian legislature did not agree to grant Muslims special dispensation regarding their matrimonial rights, so the Matrimonial Act of 1870, which provided civil marriage rights for all members of unrecognised religious communities, continued to apply to them.¹¹ With the collapse of the Habsburg Empire, and especially with the loss of the Muslim population of Bosnia Herzegovina to Yugoslavia, the Islam Act lost its significance for the new Republic of Austria. Nonetheless, the continuous validity of the Act was confirmed by a regulation in 1924 extending it to the youngest Austrian province, Burgenland, which was part of the Hungarian section of the Dual Monarchy (and later of Hungary), and where the Act of 1912 had not previously applied.¹² Burgenland became part of the present-day Republic of Austria in 1921–2, after a long conflict concerning the border with Hungary, and after the regulation of 1924 the Islam Act started to apply there as well. This meant that the Austrian state explicitly recognised the Act still to be in force in the new nation-state.

⁸ The law here clearly referred to 'Hanafite rite'.

⁹ With the exception of the province of Burgenland.

¹⁰ Including the province of Burgenland.

¹¹ Schmied 2005.

¹² Official Gazette of the Austrian Government Decree No. 176/1924 (Verordnung der Bundesregierung vom 30. Mai 1924, womit die Geltung von Vorschriften, betreffend die gesetzliche Anerkennung von Religionsgesellschaften, die Regelung der interkonfessionellen Verhältnisse und die Regierung der Verhältnisse der katholischen Kirche, auf das Burgenland erstreckt wird, BGBl 176/1924).

The Islam Act issued in 1912 by Emperor Franz Joseph I concerned itself, then, only with the recognition of the followers of Islam within the Austrian part of the Habsburg empire, which meant Sunni Islam of the Hanafi *madhhab*. However, Islam was not yet recognised as a corporation under public law, since it still lacked a comprehensive formal institution that would unify all Muslims in Cisleithania. The establishment of legal regulation did not seem possible before the foundation of an Islamic religious community. Section 1 of the Act stated that the external legal conditions of the adherents of Islam should be regulated on the basis of an autonomous administration, due consideration having been given to state supervision by way of ordinances, once the foundation and existence of at least one religious community had been achieved. It was not until 1979 that such a Muslim religious community was founded: the Islamic Religious Community in Austria (IGGÖ).

THE ESTABLISHMENT OF THE ISLAMIC RELIGIOUS COMMUNITY IN AUSTRIA

During the period of the First Republic (1919–34), only a few hundred marginally organised Muslims lived in Austria. Nevertheless, there were several institutions, such as the Orient Association (Orientbund) and the Islamic Cultural Association (Islamischer Kulturbund), which represented Islamic interests.¹³ In 1943, during Austria's integration into the German Reich, the Islamic Community of Vienna (Islamische Gemeinschaft zu Wien) was founded, but it was dissolved in 1948, shortly after the liberation of Austria in 1945. In 1951, the Association of Muslims in Austria (Verein der Muslime Österreichs) was founded, which was devoted exclusively to religious, cultural, social and charitable activities.¹⁴

With the first migration movements in the 1960s and 70s, when many Muslims immigrated to Austria as 'guest workers' (*Gastarbeiter*), the Islamic Community required more sophisticated legal and social support. The Muslim Social Service (Muslimischer Sozialdienst) was founded in this period to provide social, religious and cultural assistance to the country's ever-growing Muslim community.¹⁵ The inflow of migrants increased these efforts and led them to acquire legal status. In 1964, the statutes of the Muslim Social Service were extended to include the preparation of the procedural and substantive requirements for founding a state-approved Islamic Community, which was at that time a stipulated task of the organisation.¹⁶ In 1971, the Service lodged its first

¹³ Krammel and Abdelkarim 2008: 51; Schmied 2005.

¹⁴ Krammel and Abdelkarim 2008: 51.

¹⁵ *Ibid.*, 54 f.

¹⁶ Kalb, Potz and Schinkele 2003: 628; Krammel and Abdelkarim 2008: 55.

application for the establishment of an official Islamic Religious Community with the Ministry for Education and Art (Bundesministerium für Unterricht und Kunst). Although the chancellor of Austria at the time, Bruno Kreisky, and Cardinal Franz König, the archbishop of Vienna, supported the attempts, this first effort did not succeed.¹⁷ The Austrian federal government raised financial objections, because recognition as a religious society entails various rights – such as the provision of religious education in public schools – that also burden state budgets. However, the most frequently raised concern was the authorities' fear that Muslim men might claim a right to polygamy.¹⁸

During this period, constitutional concerns dating from 1912 arose. The Muslim Social Service was already registered as an association, and since the 1920s there had been Islamic Community statutes in Bosnia Herzegovina serving as role models. In addition, according to contemporary understanding, it was not permissible for the state to demand from Muslims an organisational structure similar to that of the Christian Church. However, if a particular legal status – such as being a public corporation – was the aim of an Islamic organisation, there would be certain minimum organisational requirements.

The question of polygamy unsettled the authorities at this time for a different reason than at the beginning of the century. In 1912, when the Islam Act became law, it was sufficient to refer to the stipulation according to which the manifestation of religious belief might not derogate from civic obligations. By the middle of the twentieth century, individual freedom of religion had come to the fore, so that the authorities were concerned with whether an Austrian Muslim could circumvent the polygamy ban by invoking their freedom of faith.¹⁹ Over the course of the recognition of the IGGÖ, the Austrian government was concerned that within Islamic doctrinal theology there were statements of faith that contravened the principles of state legislation, which was why Muslims could not enjoy legal protection.²⁰ The government asked for expert opinions from the Turkish Presidency of Religious Affairs (Diyaret İşleri Başkanlığı) in 1972 and from Al-Azhar University in Cairo in 1976, and both stated that a Muslim should not practise polygamy even if Islam permits it.²¹ Legal marriage in Austria was possible only as a monogamous union, and this also applied to Muslims.

After various attempts, the final application for the legal recognition of the IGGÖ (according to the Hanafî rite) as a religious organisation and public corporation was submitted on 20 April 1979. On 2 May that recognition was finally

¹⁷ Krammel and Abdelkarim 2008: 56.

¹⁸ Hafez 2017: 6.

¹⁹ Kalb, Potz and Schinkele 2003: 628 f.

²⁰ Schima 1989: 545 ff.

²¹ Kalb, Potz and Schinkele 2003: 629.

granted. This was delivered in the form of an individual decision (*Bescheid*) addressing the Muslim Social Service. However, since it created rights and obligations for all adherents of Islam, and not only for the applicants, it should in fact have taken the form of a decree (*Verordnung*). As a consequence, in 1988 the decision was repealed for being unconstitutional and replaced with a decree of recognition.²²

Even in 1979 an important issue was the restriction from the original Islam Act of all rites except the Hanafi rite. According to a report by the Turkish Presidency of Religious Affairs, all distinctions between the various Islamic schools, as well as the distinction between Sunnis, Shi'a and other groups, were qualified as issues of internal self-conception. The report stated that all Muslims, regardless of which school of Islamic law they belonged to, were religious believers because each of the four schools represented Islam in its entirety.²³ The argument was therefore that since the recognition of the Hanafi rite also meant the recognition of Islam in its entirety, the rights of all Muslims living in Austria were adequately protected under the Islam Act.²⁴ As a consequence, the Social Service extended the application by an internal act to all four Islamic schools (the three Sunni schools – Shafi'i, Maliki and Hanbali – and Shi'i²⁵), and the state also took notice of this.²⁶ The Ministry for Education and Art, therefore, came to the conclusion that all Muslims, whose faith was grounded in the Qur'an and the teachings of Muhammad, were included. In 1988, the extension to all law schools was finally formalised by a decision of the Constitutional Court, which ruled the restriction unconstitutional. The question of whether Alevis, Alawites and other heterodox groups who consider themselves partly Muslims, partly not, were included in that definition was not a topic of discussion at the time because most of these groups were still hiding their identity, both in their countries of origin and in the new diaspora in Austria. Since the IGGÖ had included non-Hanafi Muslims in its structures before, the decision of 1988 was mainly a legal recognition of the existing situation.

The court considered the restriction to the Hanafi rite to be a violation of the internal self-conception of the IGGÖ and stated that this went against the rule of equality ensured by Article 7 of the Austrian constitution of 1920.²⁷ As a result, the 1912 Islam Act became applicable to all Muslims, not only to those

²² Decision of the Constitutional Law, VfGH, 29 May 1988, V11/87, ÖAKR 38, 1989, 384 ff; Announcement by the Federal Ministry of Education, Arts and Sports, Official Gazette No. 383/1988 (Kundmachung des BMUKS, 1 July 1988, BGBl 383/1988).

²³ Potz 2009: 212.

²⁴ Kalb, Potz and Schinkele 2003: 629.

²⁵ It seems important to mention that in this context errors creep in again and again as the Ibadis are subsumed as Shi'a; see Schima 1989: 545 ff.

²⁶ Kalb, Potz and Schinkele 2003: 629; Potz 2009: 212.

²⁷ Federal Constitutional Law, Official Gazette of the Austrian Empire No. 1/1930 (Bundes-Verfassungsgesetz, BGBl 1/1930).

belonging to the Hanafi rite. As a consequence, in 1988 the IGGÖ modified its constitution so that all followers of Islam living in Austria were considered members of the organisation. However, the question of whether, according to that law, Alevis and other heterodox groups were recognised as Muslims remained unanswered. The IGGÖ excluded them, but it did not necessarily include all Sunni and Shi'i Muslims, either. The mosque communities of the largest mosque association in Austria, for example, which was founded by the Turkish Presidency of Religious Affairs, were not integrated into the IGGÖ until the new millennium. Nor were many secular Sunni and Shi'i groups. Nevertheless, the IGGÖ claimed to represent all Muslims in Austria, and the law accepted that claim.

THE DECREE OF RECOGNITION AND ITS EXTENSION TO OTHER MUSLIM SCHOOLS OF LAW

In the 1980s, tension developed within the IGGÖ. One faction organised an election and alleged that as a result of this election, the organisation's president, Ahmad Abdelrahimsai, was voted out of several of his previous roles and was relieved of his position as a professional inspector for religious education. After an investigation, the Federal Ministry of Education, Arts and Sports refused to accept this allegation and thus ignored the election organised by the opposition faction.²⁸ The faction opposing Abdelrahimsai, along with several institutions within the IGGÖ, lodged an official complaint that this refusal violated their constitutional rights, but did not succeed.²⁹

In a ruling on 10 December 1987, the Austrian Constitutional Court came to the conclusion that the existing legal situation did not allow 'all followers of the religious community of Islam to be grouped together in one recognized religious society'.³⁰ This case was the trigger for the court to examine the constitutionality of the 1912 Islam Act and the recognition of the IGGÖ, with the result that, as mentioned above, the passage that mentioned the 'Hanafi School of Muslim Law' in the Act was abolished. This reflected the transformation of the country's Muslim communities. Muslims in Austria were no longer only Hanafi Sunni Muslims, as had been the case at the beginning of the twentieth century. Although the majority were still descendants of Hanafi Muslims from the former Ottoman Empire, there were by the 1980s also adherents of the Shafi'i *madhhab* from Egypt, Somalia and the Kurdish parts of Turkey, and of the Maliki *madhhab* from Morocco, Algeria, Tunisia, Sudan and Nigeria. This growing diversity also

²⁸ Schima 1989: 545 ff.

²⁹ Kalb, Potz and Schinkele 2003: 630.

³⁰ Decision of the Austrian Constitutional Court, 10 December 1987 (G146/87; G147/87).

included heterodox groups. However, other than the four main Sunni schools of Muslim law and Twelver Shi‘ism, Alevis, Alawites or Ahmadiyya Muslims were not included in the structures of the IGGÖ. Moreover, the largest of these excluded groups, the Alevis, were considered non-Islamic by the official Muslim religious community, a circumstance that resulted in the establishment of Alevi associations and their attempts to be recognised as a separate religious community.

CORPORATE ASPECTS OF FREEDOM OF RELIGION

The introduction in 1998 of the Act on the Legal Status of Registered Religious Communities enabled the recognition of the classification ‘registered denominational community’ (*eingetragene religiöse Bekenntnisgemeinschaften*).³¹ This category was created as a preliminary stage for legally recognised churches and religious societies.³² The new law led to the introduction of a second category of religious community, which, unlike the legally recognised churches and religious societies, did not gain the status of corporate body under public law. Members of registered denominational communities can mention their religious affiliation in various documents, such as school reports, but their institutions lack most of the privileges enjoyed by recognised religious societies.

In fact, this second type of registered denominational community has only private legal status and is a kind of special religious association. The new category was not specific to Muslims, and initially had no impact on the Islam Act. The legislative process leading up to the introduction of the 1998 Act involved a precarious balance between giving up the all-or-nothing principle of the Austrian system of religious recognition and upholding the legal continuity of previous decisions, such as the 1912 Act. On the one hand, the legislator insisted that there could be no alternative to the legally recognised religious communities that have the status of corporate body under public law. On the other, there was a demand to attach more legal privileges to the recognition of religious communities in general. In the end, the Austrian state was not willing to expand the position of the registered denominational communities in an egalitarian-liberal way, so it decided to create a new special private status.³³ In other words, it seems that the state aimed to keep recognised religious organisations exclusive and limited in number. The purpose of this approach was primarily to ensure that the religious community was able to work together in

³¹ 1998 Religious Communities Act, Federal Law Gazette 19/1998 (Bundesgesetz über die Rechtspersönlichkeit von religiösen Bekenntnisgemeinschaften, BGBl I 1998/19).

³² Schima 2009: 202.

³³ Potz 2009: 204.

an organised way and on a permanent basis.³⁴ Although recognised religious societies in Austria enjoy privileged treatment in many areas – including the founding of schools and membership of various boards, exemption from military service and civilian service, reduced tax liability and exemption from specific taxes – registration as a religious community facilitated the exercise of religious freedom and allowed the possibility of an appropriate public presence.³⁵

The version of the Associations Act (*Vereinsgesetz*) from 2002 provides for religious communities to be formed as legal associations.³⁶ This legal form is also appropriate for associations that represent non-religious world views. A special characteristic is that the responsible authorities are not required to examine whether the religion or religious community really exists. An association, unlike a registered denominational community, does not need to have 300 members and can be founded even by a very small group. It can also choose its legal status. If it decides to become registered under the Associations Act, the state does not examine whether it is a ‘religious’ community or merely a secular community organised for an ideological purpose. At this point, it is up to the community concerned whether they prefer to register as a denominational community or constitute themselves as an association. This is a significant change from the earlier iteration of the Act, in 1951, because the question of whether it applied to religious communities had been controversial for a long time. The former version of the Act did not apply to religious associations. Adherents of non-legally recognised religious denominations were allowed to practise their religion at home only.³⁷ Now even a small group could form an association and have premises that could be used as a temple, mosque, church or other place of worship.

The decision to introduce a second special religious status was essentially accepted, but it did cause some problems. At the same time, there were three different ways that religious communities could organise themselves legally in Austria, and their prerequisites and legal frameworks differed significantly: they could be associations, they could be registered as denominational communities and they could be formally recognised as a ‘church’ or religious society. The differences between these forms in terms of rights and obligations have been criticised for lacking sufficient objective and reasonable justification. Since the status of registered denominational community can be considered a preliminary stage of recognition as a religious society – a state that brings many benefits – the prerequisites were severely tightened in order to make it harder to obtain. The status of recognised religious society was in effect reserved for those that had already been certified as such. All other religious organisations that were

³⁴ Government bill, Regierungsvorlage, XX. Session 838.

³⁵ Kalb, Potz and Schinkele 2003: 115 ff.

³⁶ 2002 Associations Act, Official Gazette No. 66/2002 (*Vereinsgesetz 2002*, BGBl 66/2002).

³⁷ Kalb, Potz and Schinkele 2003: 127 ff.

not classified as recognised religious societies would now be referred to exclusively as registered denominational communities, with the consequential legal restrictions.³⁸

Section 11 §1 of the 1998 Religious Communities Act established additional criteria for a successful application under the Recognition Act. These include the requirement for the religious association to have existed in Austria for at least twenty years, and for at least ten years as a registered denominational community, before applying for recognition; a minimum number of two adherents per thousand members of the Austrian population (at present, this means about 16,000–17,000 people); the use of income and other assets for religious purposes, including charitable activities; and a positive attitude towards society and the state. However, the Austrian Constitutional Court and the Administrative Court confirmed in several decisions that it is admissible to differentiate between registered denominational communities and recognised religious societies. The Constitutional Court, for example, found in 2001 that registered denominational communities, unlike recognised religious societies, did not enjoy the right to organise and administer their internal affairs without state interference.³⁹

It was in fact the European Court of Human Rights (ECHR) that in 2008 set an important new course for Austrian religious law. Although its judgment of 31 July that year was based on a complaint by the Jehovah's Witnesses in Austria, its impact went far beyond that particular case.⁴⁰ The case originated in an application against the Republic of Austria lodged by the Religious Community of Jehovah's Witnesses in Austria (Religionsgemeinschaft der Zeugen Jehovas in Österreich), as well as four individual applicants. It should be noted that in 1978 a group of people had already applied for recognition of the Jehovah's Witnesses as a religious society under the 1874 Recognition Act. After complex proceedings, on 20 July 1998 the Jehovah's Witnesses were granted legal status under the 1998 Religious Communities Act, which had been passed in the meantime. On 22 July, the applicants submitted another request to the Federal Ministry, which was again dismissed.

The applicants alleged, in particular, that the refusal to grant the Jehovah's Witnesses legal status and, subsequently, the decision to grant them legal status of a more limited scope than other religious communities (specifically, more limited than that of recognised religious societies) infringed their right to freedom of religion under Article 9 of the European Convention on Human Rights and violated the prohibition of discrimination under Article 14 in conjunction with

³⁸ Potz 2009: 204 f.

³⁹ Decision of the Constitutional Court, VfGH, 3 March 2001, B 1713/98.

⁴⁰ Decision of the ECHR, Appl. no. 40825/98.

Article 9 of the Convention. Furthermore, they alleged that the proceedings for granting legal status had lasted an unreasonably long time (twenty years, from 1978 to 1998) and that they had no effective remedy for this lack of decision.

In 1998, the Federal Ministry had dismissed the request on the grounds that, under section 11 §1 of the 1998 Religious Communities Act, a religious community could be recognised as a religious society under the 1874 Recognition Act only if it had existed as a registered denominational community for a minimum of ten years. Since the Jehovah's Witnesses did not meet this requirement at the time of their request, the application was denied. Both the Austrian Constitutional Court and the Administrative Court found that the ten-year waiting period for registered denominational communities as a precondition for recognition conformed with the federal constitution. As part of the proceedings, the government contested that there had been interference with the applicants' right to freedom of religion and maintained that the status as a registered denominational community complied with the requirements of Article 9 of the Convention since it provided a legal status and in no way restricted the exercise or enjoyment of the right of freedom of religion.

According to the applicants' submission, Jehovah's Witnesses were subject to state control in respect of their religious doctrine, their rules on membership and the administration of their assets. In particular, the applicants disputed the necessity of the ten-year waiting period, since the recognition of the Coptic Orthodox Church by a specific law in 2003 proved the contrary.⁴¹ The Coptic Orthodox Church had existed in Austria only since 1976 and had been registered as a legally recognised church in 1998, giving it the same status as the Catholic Church. The applicants argued that most of the registered denominational communities, and even most of the legally recognised churches and religious societies, did not fulfil the criterion for the minimum number of adherents, which showed that – contrary to what the government maintained – this requirement was unnecessary for the observance of public duties. Furthermore, the requirement of the use of income and other assets for religious purposes, including charitable activities, was discriminatory, since it interfered in an unjustified way with the community's internal administration and organisation, in breach of both Article 9 of the Convention and Article 15 of the 1867 Basic Law. Moreover, under Austrian law, recognised religious societies enjoyed privileged treatment in various fields, which did not extend to religious communities.

⁴¹ Federal Act on the External Legal Status of the Oriental Orthodox Churches in Austria, Federal Law Gazette No. 20/2003 (Bundesgesetz über äußere Rechtsverhältnisse der Orientalisch-Orthodoxen Kirchen in Österreich, BGBl. no. 20/2003).

The government contended that there had been no discrimination. Referring to the Constitutional Court's finding of 3 March 2001, it argued that the ten-year waiting period served a useful purpose, allowing the authorities to verify whether the religious community was ready to integrate into the existing legal order, and, in particular, whether it performed unlawful activities, in which case its legal status would be withdrawn.⁴² Examples of unlawful activities were incitement to commit criminal offences, endangering the psychological development of minors, violating the psychological integrity of any person or using psychotherapeutic methods to disseminate its religious beliefs. In regard to the requirement of a certain number of adherents, the government maintained that this criterion was important not only for the existence of the religious community but also for ensuring that certain duties were fulfilled, such as organising and monitoring the teaching of its beliefs in schools. The precondition of the use of income for religious purposes was also provided for under the 1874 Recognition Act, and was thus not new.

The ECHR examined the submission that the status of registered denominational community was inferior to that of legally recognised church or religious society under Article 14, read in conjunction with Article 9 of the Convention. It concluded that Article 14 does not prohibit a member state from treating groups differently in order to correct 'factual inequalities' between them. A difference of treatment was, however, discriminatory if it had no objective and reasonable justification – in other words, if it did not pursue a legitimate aim or if there was not a reasonable relationship of proportionality between the means employed and the aim sought.

The ECHR found that the imposition of a waiting period raised delicate questions, since the state had a duty to remain neutral and impartial in exercising its regulatory power in the sphere of religious freedom and in its relations with different religions, denominations and beliefs. The ECHR stated that it could accept that such a period might be necessary in exceptional circumstances (such as in the case of newly established and unknown religious groups) but that it hardly appeared justified for religious groups – such as the Jehovah's Witnesses – with long international standing and that are established in the country and therefore familiar to the authorities. The authorities, the ECHR said, should be able to verify whether such religious groups fulfil the requirements of the relevant legislation within a considerably shorter period. Furthermore, the example of another religious community cited by the applicants showed that the Austrian state did not consider applications on an equal basis. They claimed the waiting period to be an essential instrument for pursuing state policy in governance of the religious field, but did not apply this criterion across the board.

⁴² Decision of the Constitutional Court, VfSlg, 12.102/2001.

The ECHR found that the difference in treatment was a violation of Article 14 of the Convention, taken in conjunction with Article 9.

A PARTIAL SOLUTION: THE AUSTRIAN WAY

In its judgment of 25 September 2010, a follow-up decision to that of the ECHR in 2008, the Austrian Constitutional Court repealed as unconstitutional the passage in the 1998 Religious Communities Act that stipulates that a religious group must have functioned ‘as [a] religious association for at least twenty years and for at least ten years as a registered denominational community’.⁴³ The Court found that there were no constitutional reservations against the distinctions between the treatment of registered denominational communities and recognised religious societies, as long as the difference in treatment was based on objective and reasonable justification. With reference to the judgment of the ECHR, the Court noted that, in view of the substantive privileges accorded to religious societies, the obligation under Article 9 of the Convention of state authorities to remain neutral when exercising their powers in this domain requires that if a state sets up a framework for conferring legal personality on religious groups to which a specific status is linked, all religious groups must have a fair opportunity to apply for this status, and the criteria must be applied in a non-discriminatory manner.⁴⁴

The Court also noted that it was not justifiable to impose a waiting period for a religious association to become, or gain the status of, a religious community in terms of the 1874 Recognition Act, since this association had already been subject to an assessment of the conditions according to the 1998 Religious Communities Act. According to the Court, this ensures that the religious association may gain legal personality as a registered denominational community only if that does not contradict the interests of public safety, the protection of public order, health or morals, or the protection of the rights and freedom of others. This corresponds most closely to the prerequisites of the 1874 Recognition Act. The imposition of such a waiting period might be accepted only in exceptional circumstances.

The decision of the Constitutional Court to repeal the waiting period was another step on the thorny path towards a liberalisation of the recognition law. Thus, the Constitutional Court not only overturned its previous case law, but also followed the opinion of the ECHR and the literature in which they expressed their concerns regarding this restrictive prerequisite. However, this was only a small step, considering that there remained other recognition requirements, in

⁴³ Decision of the Constitutional Court, VfGH, G 58/10, G 59/10.

⁴⁴ Decision of the ECHR, Appl. no. 40825/98, no. 92.

particular, the minimum number of two adherents per thousand members of the Austrian population. Realistically, this number could not be achieved by many religious communities. The Constitutional Court had already clarified that it had no reservations against this requirement and was therefore not willing to prescribe the next step.⁴⁵ In the end, the improvement for religious communities was that they could now get full recognition a little faster, before the expiration of the ten-year waiting period.

A NEW ISLAM ACT

The debate about the need for reform of the system that was established based on the 1912 Islam Act was finally resolved just over a century after the enactment of that first Act. After long discussions and negotiations with the leadership of the IGGÖ and the officially recognised Alevi community, the Council of Ministers finally approved the new Islam Act on 10 December 2014. The new Act was supported by the official leadership of the recognised Muslim communities, but it did provoke outcry from many Islamic associations. It resulted in a monopoly for the officially recognised communities over Muslims' religious activities. Mosques must be registered by the IGGÖ and were threatened with closure if they were not officially approved. The minister of foreign affairs and integration at the time, Sebastian Kurz, presented the new law as a legal Act against extremism. Despite the resistance of many Islamic associations and legal experts, the Act was passed with a coalition majority of the conservative Austrian People's Party (Österreichische Volkspartei) and the Social Democratic Party of Austria (Sozialdemokratische Partei Österreichs) on 25 February 2015.

The new Islam Act included some improvements for Muslim communities, such as the establishment of an Islamic theology department at the University of Vienna. However, in general, it can be considered an attempt to strengthen a more centralised official Islamic Community and to obtain greater control over the mosques and the umbrella organisations that run them. The new situation led to the stronger integration of various umbrella organisations into the IGGÖ, and, in fact, resulted in the takeover of the IGGÖ by a new leadership supported by the largest of those organisations, the Turkish-Islamic Union for Cultural and Social Cooperation in Austria (Türkisch-islamische Union für kulturelle und soziale Zusammenarbeit in Österreich; ATİB). ATİB, the last umbrella organisation to join the IGGÖ, is an organisation of Turkey's Presidency of Religious Affairs, a religious institution within the bureaucratic structure of the Turkish state. Interestingly, ATİB kept its distance from the IGGÖ until it became clear that the latter was to be strengthened and could thus become

⁴⁵ Decision of the Constitutional Court, VfGH, 16 December 2009, B 516/09.

influential. It is no coincidence that the first president of the IGGÖ after the new Islam Act, İbrahim Olgun, came from the ATİB. However, in 2018, after only two years in office, he had to hand over to Ümit Vural of the Islamic Federation – the Austrian offshoot of the Turkish Millî Görüş Movement, a religious-political movement from which the Justice and Development Party government of Turkey at the time of writing, as well as its president, Recep Tayyip Erdoğan, also originate.

CONCLUDING REMARKS

As a consequence of the occupation of Bosnia Herzegovina, the Islam Act of 1912 led to the Austrian state's early recognition of Islam as a religious community. The collapse of the Austro-Hungarian monarchy after the First World War did not change that, but it did lead to the end of the existing Muslim community, who were predominantly Bosnians. Those Muslims who in the 1970s were able to re-establish a recognised religious society in Austria on the basis of the Islam Act of 1912 were denominationally and ethnically much more diverse than the religious community of Bosnian Hanafî Sunnis that was recognised in 1912. Thus, after the recognition of the IGGÖ in 1979, conflict arose that centred on the question of how to deal with the diversity within the Muslim community, with other schools of law and with the Shi'a community and the Alevis.

However, this conflict led to a further legal development and finally to the recognition of other religious communities with different legal status for Alevis and Shi'a in the new millennium. The changes of the past century and new public debate about Islam finally led to the adoption of a new Islam Act by the Austrian Parliament in December 2014, accompanied by lively political debate and argument, and interpreted by many Muslims as an attempt to strengthen the state's control over Islam.

The legal and political history of the relationship between the Austrian state and Islam is marked by both continuity and rupture. In fact, the present legal position is based on a new version of the Islam Act of 1912, without which Islam would probably still not be a legally recognised religious society in the country. Certain problem areas have arisen again and again in the more than hundred-year history of the relationship between the Austrian state and Islamic Communities. Even under the Habsburgs, Austrian policy was largely concerned with detaching Islam from the Ottoman empire and creating Austrian Islamic structures that were as independent of Istanbul as possible. The question of foreign influence was also central to the new version of the Islam Act and, not inconceivably, still determines the public debate on Islam in Austria.

Another recurring problem area is how to deal with Islamic law, especially the subject of polygamy. The question of organisation also runs through history: Islam, as a religious community not organised in church structure, was nevertheless supposed to be as close as possible to a church-like organisation, according to the ideas that dominate Austrian politics and the legal system. This insistence on a church-like organisation has repeatedly led to intra-Muslim conflict. One problem that was not present when the first Islam Act was enacted is the question of how to deal with intra-Muslim diversity. In the Habsburg Monarchy, only one form of Islam was represented and recognised: Hanafi Sunni Islam. In today's Austria, however, there are many Muslim communities and religious organisations, reflecting the diversity of Islam as a whole. The questions that have dominated the debate about Islam in recent decades are how to approach that diversity, which groups are to be counted part of Islam and which are not, and how to deal with those groups that pursue independent claims to recognition.

BIBLIOGRAPHY

- Hafez, Farid (2017), 'Zur Politischen Hereinnahme des Islams in Österreich', *OZP – Austrian Journal of Political Science* 45 (3), p. 6.
- Heine, Susanne (2005), 'Islam in Austria: Between Integration Politics and Persisting Prejudices', in *Religion in Austria*, Contemporary Austrian Studies, 13 vols, ed. Günter Bischof, Anton Pelinka and Hermann Denz, Innsbruck: Transaction Publishers.
- Kalb, Herbert, Richard Potz and Brigitte Schinkele (2003), *Religionsrecht*, Vienna: Facultas.
- Krammel, Gerald, and Aziza Abdelkarim (2008), 'Die Geschichte des Islam in Österreich', in *Zwischen Gottesstaat und Demokratie: Handbuch des politischen Islam*, ed. Thomas Schmidinger and Dunja Larise, Vienna: Deuticke, pp. 47–58.
- Potz, Richard (2009), 'Aktuelle Fragen des Österreichischen Religionsrechtes', *ÖARR (Österreichisches Archiv für Recht & Religion)*, p. 212.
- Schima, Johann (1989), 'Das Islamgesetz und die Grenzen der Verfassungsgerichtsbarkeit', *ÖJZ – Österreichische Juristenzeitung* 44, pp. 545–54.
- Schima, Stefan (2009), 'Focus: Freedom of Religion in Austria', *Vienna Journal on International Constitutional Law* 3 (3), p. 202.
- Schmied, Martina (2005), 'Islam in Österreich', in *Islam, Islamismus und islamischer Extremismus. Eine Einführung*, ed. Walter Feichtinger and Sibylle Wentker, Vienna: Schriftenreihe der Landesverteidigungsakademie, pp. 189–206.

A Hundred Years Later: The Debate on the New Islam Act in Austria

SEVGİ ADAK AND ALEV ÇAKIR

INTRODUCTION

A hundred years after the enactment of the 1912 Islam Act (*Islamgesetz*), the question of whether there was a need to revisit the legal framework drawn by it regarding Islam and Muslim communities, as well as their rights and relations with the state, once again became a subject of intense debate in Austria, the main heir to the Habsburg empire and its structures of governance. A draft for a new law was prepared during the first government led by Werner Faymann, then leader of the Social Democratic Party of Austria (Sozialdemokratische Partei Österreichs; SPÖ). Faymann had formed a coalition government with the Austrian People's Party (Österreichische Volkspartei; ÖVP), which lasted from 2008 to 2016. Sebastian Kurz, who became leader of the ÖVP as the party drifted further to the right, was initially the state secretary for integration. He became foreign minister in 2013 but continued to have a critical role in issues relating to Muslim communities as the responsibility of the foreign ministry was expanded to include integration. The proposed draft became a government bill under his oversight, as well as that of the minister of art and culture, Josef Ostermayer (SPÖ), and was approved by the cabinet in December 2014. Despite public controversy and criticism by Muslim communities and organisations, as well as legal scholars and the parliamentary opposition, the bill, known as the new Islam Act, was passed on 25 February 2015 by the votes of the two governing parties.¹

¹ The official short title of the law is *Islamgesetz 2015*. For the full text, see Federal Law on the External Legal Relationships of Islamic Religious Societies – Islam Law 2015. Federal Law Gazette I, no. 39/2015 (NR: GP XXV RV 446 AB 469, p. 61. BR: 9324 AB 9326, p. 839), www.ris.bka.gv.at/eli/bgbl/l/2015/39.

The Islamic Religious Community in Austria (Islamische Glaubensgemeinschaft in Österreich; IGGÖ) – the biggest and oldest organisation in the country representing Sunni (and some Shi‘i) Muslims – agreed to the adoption of the new Act grudgingly and with certain concerns, while its former youth organisation, the Muslim Youth in Austria (Muslimische Jugend Österreichs; MJÖ), opposed it, as did several other Muslim religious organisations and associations, as well as the parliamentary opposition. The new Act specified only the two recognised Muslim religious societies (*anerkannte Religionsgesellschaft*), the IGGÖ and the Alevi Religious Community in Austria (Alevitische Glaubensgemeinschaft in Österreich; ALEVI).² However, other Muslim organisations, some of which are actually part of the IGGÖ but also have institutional autonomy, such as the Turkish-Islamic Union (Türkisch-Islamische Union/Avusturya Türk-İslam Birliği; ATİB), were also directly affected. The ATİB is institutionally linked to Turkey’s Presidency of Religious Affairs (Diyanet İşleri Başkanlığı; Diyanet) and its foundation, the Diyanet Foundation, and ran many mosques in Austria. Therefore, the provisions regarding foreign funding, especially, which aimed to decrease the influence of such third-country institutions, were controversial. The Diyanet’s president at the time, Mehmet Görmez, characterised the new Act as ‘upsetting’ and ‘unfitting’ to the trajectory of Austria’s ‘tolerant attitude’ to Islam, exemplified by the Islam Act of 1912. Seeing the new Act as part of a larger trend in Europe, he criticised the efforts of European countries to create their own Islam by using a framework of integration and security, instead of tackling the problem of Islamophobia.³

The Act was also openly criticised by the Turkish president Recep Tayyip Erdoğan, who had already ignited debate after his controversial visit to Austria in June 2014.⁴ Erdoğan claimed that the bill was against EU law and would have a negative impact on the daily lives of Muslims in Austria.⁵ In response, Kurz insisted that the bill was drafted in consultation with Muslim organisations and

² Previously the Islamic Alevi Community in Austria (Islamische Alevitische Glaubensgemeinschaft in Österreich). The organisation dropped ‘Islamic’ from its name after it became a recognised religious society in 2013. It represents Alevis who see themselves as part of Islam. There are other Alevi organisations in Austria that differentiate themselves from the ALEVI and do not see Alevis as part of Islam. In other words, the ALEVI does not represent all Alevis in Austria. For more on the divisions between Alevi organisations in Austria, see the chapter by Allgäuer and Schmidinger in this volume. See also Çakır 2016.

³ ‘Diyanet İşleri Başkanı Görmez: İslam Yasası Avusturya’ya Yakışmadı’, *Habertürk*, 26 February 2015. <https://www.haberturk.com/gundem/haber/1047575-diyanet-isleri-baskani-mehmet-gormez-islam-yasasi-avusturyaya-yakismadi>

⁴ ‘Erdoğan Irks Austria with Anti-assimilation Speech’, *Reuters*, 19 June 2014, www.reuters.com/article/us-austria-turkey-idUSKBN0EU1ZI20140619.

⁵ Erdoğan even used the Act to promote his plans to establish a presidential system in Turkey. He claimed that Turkey under such a system would be better able to defend the rights of her ‘brothers’ in such EU countries as Austria. ‘Erdogan kritisiert Islam-Gesetz: Widerspricht EU-Normen’, *derStandard*, 1 March 2015. <https://www.derstandard.at/content/tcf/story/2000012304416/erdogan-kritisiert-islam-gesetz-widerspricht-eu-normen>

said that the Austrian government would not take orders from abroad.⁶ The tension between the Austrian and Turkish governments and the debate over the Act within Austria even led some commentators to call it the ‘Erdoğan Act’, implying that the main motive behind Austria enacting a new law was to limit the influence of Erdoğan’s Turkey on the Muslims of Austria.⁷

This chapter examines the road to Austria’s adoption of a new Islam Act 100 years after the original one. It focuses on the debate over and opposition to the new Act, especially on conflicting Muslim views, which reveal not only the diversification of the Muslim religious terrain in Austria but also the tension inherent to it. It will be argued that although the new law reaffirmed Islam’s place in Austria, insofar as it reiterated the recognition of 1912 and set out anew the rights of recognised religious societies as corporations under public law, it was also a product of its time, reflecting an atmosphere of increasing securitisation and the urge for the state regulation of Muslim religious communities. It should therefore be considered as much a continuation of the Habsburg Islam policy as a new take on it, with significant implications for the Austrian state’s relationship not just with its Muslim citizens and their organisations, but also with religion more generally. While the law has increased the space for the public presence and influence of recognised Muslim organisations, it can also be seen as expanding the scope for state control and regulation.

THE NEW ISLAM ACT

It is important to indicate from the outset that calls to revisit the Islam Act of 1912 were not new by the time the Faymann government started working on the amendment. Several Islamic associations and legal experts had expressed the need to renew the Act from the late 2000s onwards, if not earlier, voicing the concern that it fell short in responding to the needs of Austria’s contemporary and increasingly diverse Muslim communities. Fuat Sanaç, who was elected president of the IGGÖ in 2011, indicates that the IGGÖ had already approached the government to amend the Islam Act before his presidency, and submitted a draft.⁸ While the government was not open to such an initiative at the time, it was paradoxically in the rather unfavourable, increasingly

⁶ Ibid.; ‘Islam Yasasını Eleştiren Erdoğan’a Avusturya’dan Yanıt’, *NTV Haber*, 2 March 2015; ‘Avusturya’dan Erdoğan’a cevap: Yurtdışından emir alacak değiliz’, *Agos*, 2 March 2015. <https://www.ntv.com.tr/dunya/avusturyadan-erdogana-yanit,Cpvaojm9jkC2kdVp1coIXA>

⁷ See, for example, Selami Ince, ‘Avusturya’da Erdoğan Yasası’, *Birgün*, 15 March 2015. Some commentators argued that the new measures, particularly the prohibition of foreign funding, should be seen as a response to real concerns over Erdoğan’s Turkey promoting its version of Islam in Austria. Soeren Kern, ‘Austria’s Islamic Reforms’, *New York Times*, 7 April 2015, www.nytimes.com/2015/04/08/opinion/austrias-islamic-reforms.html.

⁸ Interview with Fuat Sanaç by Sevgi Adak, Vienna, 5 May 2022. Ümit Vural, the current president of the IGGÖ, traces the origins of the preparations for a new Islam law to 2009, when a draft was

Islamophobic atmosphere after 2011 that dialogue between the government and the IGGÖ increased.

The Islam Dialogue Forum (Dialogforum Islam), which was started in 2012 by Kurz and Sanaç and marked the centenary of the Islam Act, was a result of this growing relationship and resulted in a few new initiatives, such as the beginning of academic education for imams at the University of Vienna.⁹ In other words, although consultations with the IGGÖ had in the past almost always been initiated by the government, positioning the IGGÖ as the interlocutor for the state on topics relating to Islam and Muslims, the IGGÖ had begun making the first move by the time the negotiations on the new law started, not just on the Islam Act but also on a number of other issues.¹⁰

The forum also established seven working groups, which reiterated the need for a new law on Islam.¹¹ The draft law the IGGÖ prepared and presented to the government was the beginning of deliberations that lasted for years without being made public.¹² However, despite these negotiations, when the draft was finalised and announced by the government in October 2014 it was hardly welcomed by Muslim organisations, including the IGGÖ. Heated debate accompanied the amendment process, which was overshadowed by an intensifying anti-Muslim discourse as violence perpetuated by global jihadist groups, particularly the so-called Islamic State (ISIS), made the news. The bill was sent to parliament in such an atmosphere in December 2014, a few months after ISIS had declared a caliphate in Mosul, Iraq, when more than half of the Austrian population supported the statement that ‘Islam is a danger to Austria’s culture.’¹³

The goal of the new law was summarised by the government as establishing formal parity between Islamic religious societies and other recognised churches and religious societies. The authorities referred to the need, 100 years after the first Islam Act, for a ‘modern’ law – one that ‘use[s] the terms that are adapted to today’s teachings and jurisprudence, take[s] into account the modern understanding of cultural regulations, and at the same time, address[es] the specifics of a religious society’.¹⁴ The law therefore aimed to create a new regulatory

prepared by the administration of the organisation. Interview with Vural by Sevgi Adak, Vienna, 5 May 2022.

⁹ Schmidinger 2013: 50–51. The IGGÖ also marked the centenary by devoting an issue of its magazine to the celebrations of the Act, while its youth organisation held festivals in Vienna and Salzburg in November and December 2012.

¹⁰ Çitak 2013: 175.

¹¹ This was also emphasised in the final report of the Constitutional Committee, which recommended that parliament approve the bill. See the report dated 12 February 2015, www.parlament.gv.at/dokument/XXV/I/469/fname_384212.pdf.

¹² Sanaç indicates that there were one-to-one meetings between himself and Kurz, as well as an exchange of drafts mainly through the bureaucrats involved. Interview by Adak.

¹³ Öktem 2016: 42.

¹⁴ See the explanations submitted to parliament: www.parlament.gv.at/dokument/XXV/ME/69/fname_367085.pdf.

framework that would also address areas that were unregulated under the Islam Act of 1912. The explanatory notes submitted to parliament were also keen to clarify that preparations for the draft had begun in 2012 and so the new law 'should not be misunderstood as a response to current security threats from Islamist terrorist groups'.¹⁵ It was also underlined that the draft 'in no way' reflected a general suspicion against Muslims in Austria.¹⁶

Kurz presented the spirit of the new law as creating an 'Islam of Austrian kind', which, in his view, would be a model for other European countries to fashion an 'Islam of European kind'.¹⁷ The idea of the new law being a model for Europe was also expressed during the parliamentary discussions by several members of the coalition parties.¹⁸ Ostermayer emphasised repeatedly in the debates that the draft had been prepared after long discussion with the Muslim community. The opposition parties, however, remained unconvinced, those on the right for different reasons from those on the left. The right-wing populist Freedom Party of Austria (Freiheitliche Partei Österreichs; FPÖ), for example, while welcoming the idea of banning foreign funding for Muslim organisations, otherwise criticised the draft for falling short of bringing strict regulations and for not providing powerful tools to close mosque associations that teach harmful doctrine. According to the FPÖ, the law would thus be unable to remove the conditions for the spread of radical Islam in Austria.¹⁹ Heinz-Christian Strache, its chairman at the time, even claimed that the banning of foreign funding for Muslim religious societies would not work because the foreign financing of 'innumerable Islamic associations' would still be possible.²⁰ Team Stronach for Austria (Team Stronach für Österreich), another right-wing populist party (which was dissolved in 2017), also claimed that financing from abroad would still be possible since the law, it argued, contained loopholes; for example, it allowed the possibility of establishing associations as endowments.²¹ The liberal NEOS party (NEOS – Das Neue Österreich und Liberales Forum), also suspicious about the effectiveness of the ban on foreign funding, was nevertheless

¹⁵ Parliamentary correspondence no. 1215, 12 December 2014, www.parlament.gv.at/aktuelles/pk/jahr_2014/pk1215#XXV_I_00446.

¹⁶ Ibid.

¹⁷ 'Islamgesetz: Muslime kündigen Verfassungsklage an', *Religion.orf.at*, 24 February 2015, <https://religion.orf.at/v3/stories/2696212>.

¹⁸ There was similar discussion in some other European countries. For example, the chairman of the Central Council of Muslims in Germany (Zentralrat der Muslime in Deutschland) supported the new Islam Act and claimed that such a law could be adopted in Germany. 'Muslime in Deutschland befürworten Islamgesetz in Österreich', *Zeit*, 27 February 2015. <https://www.zeit.de/gesellschaft/zeitgeschehen/2015-02/islam-deutschland-oesterreich-zentralrat-der-muslime>

¹⁹ Parliamentary correspondence no. 105, 12 February 2015, www.parlament.gv.at/aktuelles/pk/jahr_2015/pk105#XXV_I_00446.

²⁰ 'Oppositionskritik zu Islamgesetz', *Religion.orf.at*, 24 February 2015, <https://religion.orf.at/v3/stories/2696393>.

²¹ Ibid.

vocal about the general suspicion of Muslims that the law echoed, and the mention of the supremacy of state law over religious law.²²

The Greens, on the other hand, welcomed the fact that a 'modern' Islam Act could break with the IGGÖ's monopoly of representation and create standardised and binding rules for both recognised Muslim religious societies. They initially expressed support for the prohibition of foreign funding but argued that additional provision was necessary to ensure that any religious instruction conflicting with the aims of 'civic education' would be prohibited.²³ Having been critical of the elections held by the IGGÖ, the Greens also welcomed the transparency sanctioned in the law. In the end, however, they came to the conclusion that the draft was 'well-intentioned but not well done'.²⁴ The deputy leader of the party, Werner Kogler, pointed at the provisions of the law that could be interpreted as a general suspicion against Muslims and expressed concern that it would be possible to circumvent the ban on foreign financing. Harald Walser, a Green MP, also expressed support for a ban on foreign funding in principle, but raised concerns about the potential unconstitutionality of the provision, since stricter funding rules would apply to Muslim religious societies than to those of other denominations.²⁵ Overall, the draft did not address what Walser believed to be the biggest problem: dealing with extremist movements.²⁶

Similar criticism was voiced during deliberations on the draft by the Constitutional Committee, which started with an expert hearing. Legal and academic experts alike, who otherwise had very different perspectives on the preparation process and aim of the law, raised concerns specifically about whether the ban on the foreign funding of Muslim religious societies was constitutional. Even those who found the ban permissible, such as the distinguished scholar Professor Richard Potz, suggested that the law should state more precisely what type of foreign funding was not permitted.²⁷ This criticism was countered by the head of the Federal Chancellery's constitutional service, Gerhard Hesse, who argued that constitutional law granted parliament

²² 'Neos: Islamgesetz verfassungsrechtlich bedenklich', NEOS press release, 12 February 2015, www.ots.at/presseaussendung/OTS_20150212_OTSo129/neosislamgesetz-verfassungsrechtlich-bedenklich.

²³ 'Grüne: Modernes Islamgesetz mit klaren, einheitlichen Rechten und Pflichten notwendig', Greens press release, 2 October 2014, www.ots.at/presseaussendung/OTS_20141002_OTSo172/gruene-modernes-islamgesetz-mit-klaren-einheitlichen-rechten-und-pflichten-notwendig. They also asked for standardised regulation for Islamic nursery schools.

²⁴ 'Oppositionskritik zu Islamgesetz'.

²⁵ Harald Walser, 'Warum wir Grüne das Islamgesetz ablehnen!', 25 February 2015, <https://haraldwalser.twoday.net/stories/1022401160>.

²⁶ Ibid.

²⁷ Parliamentary correspondence no. 12, 13 January 2015, www.parlament.gv.at/aktuelles/pk/jahr_2015/pk0012#XXV_I_00446. Potz continued to criticise the law for creating exceptionalism for Islam and treating it unequally. See Potz 2015.

the right to address issues relating to individual religious communities. The Act's explicit emphasis on the priority of state law over religious law was also criticised by some, such as Alev Korun of the Greens (the first Turkish-Austrian MP to be elected to the Austrian parliament). Ostermayer defended the provision by saying that it was already in the existing law and its removal would have led to misunderstandings.²⁸ In the end, the opposition parties voted unanimously against the law.

The debate over the new Act became particularly incendiary outside parliament, following statements by some of those involved. The daily newspaper *Österreich*, for example, claimed that the new law would forbid 'terror financing', and the MJÖ called the Act unconstitutional and accused it of being a campaign to downgrade Muslims to 'second-class citizens'.²⁹ Amid this fury, the bill that was sent to parliament was modified only slightly, since the government was reluctant to make substantial changes. In the final version, religious officials, such as imams, were allowed to execute their function until one year after the commencement of the new law, rather than the original deadline of 31 December 2015 set out in the draft.³⁰ The law also stated that the federal government, rather than the chancellor as provided in the draft, could revoke the recognition of a recognised religious society by decree. As we will see in the following section, the articles concerning the areas most criticised by representatives of Muslim organisations remained largely as originally drafted.³¹

The new Islam Act is much more detailed than the original and regulates the rights and obligations of recognised Islamic religious societies in a comprehensive area of the Muslim religious sphere: the acquisition (and revoking) of legal status; the structure and components of the constitutional documents to be adopted by Islamic religious societies; Muslim pastoral care in the army, prisons, hospitals and care homes; Islamic theology studies at universities; public holidays; burial sites; and food regulations. It grants state protection to Muslim religious holidays and the time of Friday prayer, as well as the Alevi services (as defined by the ALEVI). The law also envisioned up to six teaching positions for Islamic theological studies at the University of Vienna, and for each recognised Islamic religious society to receive its own branch of study, whereby the theological core of each can be taught. Accordingly, the Institute for Islamic Theological Studies was established at the University of Vienna and a BA

²⁸ Parliamentary correspondence no. 12.

²⁹ MJÖ press release, 5 October 2014, www.mjoe.at/articles/article/verfassungswidriger-entwurf-des-is-langesetzes-degradiert-musliminnen-zu-buergern-zweiter-klasse.

³⁰ The IGGÖ and the ALEVI were also given more time in the final law than was envisioned in the draft to bring their constitutions, statutes and elected bodies into line with the provisions of the new law.

³¹ The original government draft can be found at www.parlament.gv.at/dokument/XXV/ME/69/fname-orig_367084.html.

degree in Islamic Theological Studies was launched, with an option to specialise in Alevi theology.³²

These significant rights notwithstanding, the law requires recognised Islamic religious societies to raise their own funds for their activities and services through their religious communities and members, effectively banning foreign financing, and to present their teachings and principles (including major sources of faith, such as the Qur'an) in German. Furthermore, to obtain state recognition, a religious community must prove a 'positive attitude towards state and society'. The law led to the restructuring of the entire landscape of Muslim organisations, since it requires all Muslim religious communities to come under the umbrella of the two recognised religious societies, a stipulation that has empowered the IGGÖ significantly.³³ Therefore, while the law reaffirmed the recognition of Muslims in Austria and created a framework for dialogue and the accommodation of some Muslim demands, it was argued that its integrative logic was coupled with a conflicting logic of securitisation and control.³⁴ It was indeed this facet of the law, rather than its positive aspects, that formed the basis of the reaction of the Muslim organisations.

REACTIONS TO THE NEW ISLAM ACT: THE IGGÖ, THE MJÖ AND THE DIVERGING MUSLIM POSITIONS

The diverse reactions of the Muslim organisations and groups to the new Islam Act reflected not only the multiplicity of Muslim voices in Austria, but also increasing tension, even rivalry, among – and in some cases within – Muslim organisations. This was nowhere more apparent than in the case of the IGGÖ. The IGGÖ was initially very critical of the draft announced by the government in October 2014. Sanaç, who led the discussions with the government, was surprised that the draft was presented without waiting for the three-month

³² The combining of Islamic theological studies with Alevi theological studies in a single BA course proved difficult and led to debate even during the development of the curriculum. The goal of transferring the training of imams to an Austrian university was not achieved, having met with resistance from the relevant university committees. The Catholic and Protestant theological faculties also offer degrees in theological studies, but do not offer training for priests. That is the responsibility of the respective religious communities. In addition, graduates of the programme are not sufficiently recognised by most Islamic Communities to be appointed as imams, partly because of problems with the staffing of professorships at the University of Vienna. A second Islamic theological BA, at the University of Innsbruck, which was not established based on the Islam Act, has proved less controversial. However, the communities within the IGGÖ still predominantly rely on imams who were trained either in their countries of origin, such as Turkey, or at institutions run by their own associations.

³³ Bauer and Mattes indicate that the relevant provisions of the new Islam Act fostered the founding of twenty-seven religious communities (*Kultusgemeinde*) and twenty specialised organisations (*Fachvereine*). Larger groups established multiple associations to increase their influence within the IGGÖ, a fact that added to the restructuring of the organisation and the power balance within it. Bauer and Mattes 2019.

³⁴ Öktem 2016: 45–6.

response period the IGGÖ had been promised.³⁵ Also, the draft contained provisions that were not in the text initially proposed by the IGGÖ. At a press conference on 5 November, he criticised the draft for reflecting an underlying mistrust of Muslims.³⁶ The IGGÖ had objections concerning fifteen articles of the draft. Ümit Vural (then a legal advisor to the IGGÖ), who summarised the statement that detailed these objections, argued that the draft would subject the IGGÖ to a new recognition regime.³⁷ The IGGÖ's main criticism concerned the violation of the principle of equal treatment of all religions and the fact that the draft did not meet Muslims' needs and expectations.³⁸ It criticised, for example, the fact that there was a special emphasis in the new law on the primacy of the application of Austrian law, while no such statement existed in the laws enacted for other recognised denominations. This was reiterated in a statement by the Supreme Council of the IGGÖ, which held that the provision expressed the suspicion that Muslims lacked loyalty to the Austrian state and law.³⁹ The IGGÖ demanded a separate law for itself as a recognised religious society, rather than an all-encompassing Islam Act, criticising again the unequal treatment, since there were separate laws for different Christian confessions, instead of a 'Christianity Act'.⁴⁰ The IGGÖ complained that the clause giving the government power to repeal the organisation's official recognition meant that it was effectively being treated as a new religious society. It also demanded more clarity with respect to the required IGGÖ membership of the teaching staff of the theological faculty at the University of Vienna.

Another major point of contention was the prohibition of foreign funding. Murat Başer, chairman of the Islamic Religious Community Linz (one of the religious communities under the IGGÖ), argued that, with only domestic funding, it would be impossible to maintain the operation of mosques since for Muslims there was no opportunity equivalent to the 'church tax'.⁴¹ The IGGÖ continued, until the end of the draft's review process, to claim that the provision would put it in a 'significantly worse position than other recognised religious societies and jeopardise the ongoing operation of recognised associations,

³⁵ Interview with Sanaç by Adak.

³⁶ 'Gesetzesnovelle: IGGiÖ gegen "Lex Islam"', *Religion.orf.at*, 6 November 2014, <https://religion.orf.at/v3/stories/2677573>.

³⁷ Ibid.

³⁸ See the IGGÖ's formal statement on the draft, 'Stellungnahme der Islamischen Glaubensgemeinschaft zum Entwurf zum Islamgesetz (2014)', 4 November 2014, www.parlament.gv.at/dokument/XXV/SNME/2076/fname_371638.pdf.

³⁹ 'Islamgesetz – IGGiÖ lehnt Entwurf ab', *Religion.orf.at*, 22 December 2014, <https://religion.orf.at/v3/stories/2685726>.

⁴⁰ Ibid.

⁴¹ Maria Sterkl, 'Experten kritisieren geplantes Islamgesetz', *derStandard*, 3 October 2014. The Islamic Religious Community Linz was the sub-organisation of the IGGÖ for the federal state of Upper Austria, and became the Islamic Community Upper Austria after the restructuring of the IGGÖ following the new Islam Act.

which increasingly developed an independent Austrian profile in their work'.⁴² According to the IGGÖ, the Islam Act of 1912 had established an emotional bond between the state and Muslims, but it was not clear whether the new law would strengthen or undermine this bond. For the IGGÖ, the responsibility of ensuring the continuation of the tradition set up by the 1912 Act and resisting populist tendencies to interpret the new law as a safety measure, which the IGGÖ saw as counterproductive, lay with the state. 'Muslims are part of Austria,' a statement of the IGGÖ's Shura Council read in February 2015; 'this self-evident fact must also finally come out of the mouths of the politicians.'⁴³

Despite such criticism, the IGGÖ was careful throughout the debate not to close the doors of negotiation and dialogue with the government. In the end, it stated that the law would inevitably reflect a compromise. While it indicated that it is up to all affected religious groups to recognise the new law or go to 'institutions of legal protection', it also reiterated that there would be no change in its basic preference, which would remain 'integration through participation'.⁴⁴ The leadership indeed remained in close conversation with the government. According to Sanaç, the provisions to which the IGGÖ objected in the draft were revised after negotiation. There was also a message of compromise and agreement after the meeting between the IGGÖ's Shura Council and Ostermayer and Kurz.⁴⁵ The government had two red lines in the negotiations, which remained controversial: the prohibition on foreign funding and the inclusion of the ALEVI in the law.⁴⁶ The IGGÖ also suggested pausing the process and extending the discussions, given that the political atmosphere was particularly tense because of the refugee crisis and associated questions of integration.⁴⁷ The government, however, especially Kurz, was determined to pass the law.⁴⁸

Sanaç remained convinced that the law expanded the power and position of the IGGÖ tremendously, including its bureaucratic and financial capabilities, and resolved many issues, such as imams in the army and the recognition of Muslim holidays, that had long been pending for Muslims in Austria. He felt that it should therefore be seen as a step in the right direction for the

⁴² IGGÖ, 'Stellungnahme des Schurarates der IGGiÖ zum Bundesgesetz über die äußeren Rechtsverhältnisse Islamischer Religionsgesellschaften – Islamgesetz 2015', 16 February 2015, www.parlament.gv.at/dokument/XXV/SNME/2076/fname_371638.pdf.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ 'Islamgesetz: Schurarat wartet auf überarbeiteten Entwurf', *Religion.orf.at*, 17 November 2014, <https://religion.orf.at/v3/stories/2679631>.

⁴⁶ Interview with Sanaç by Adak. Sanaç and the IGGÖ wanted separate laws for the IGGÖ and the ALEVI. See 'Gesetzesnovelle'.

⁴⁷ Interview with Vural by Adak.

⁴⁸ Vural suggests that the SPÖ was more flexible regarding the suggestion of posing negotiations. However, Kurz insisted on passing the law as soon as possible. Ibid.

community.⁴⁹ But for many this was not the case. In fact, the debate over the new law continued alongside a controversy surrounding the IGGÖ and its leadership. Sanaç was accused by some groups of using the process to postpone the organisation's presidential elections in order to extend his tenure.⁵⁰ There were religious communities within the IGGÖ that were unhappy with the way its leadership handled the negotiations with the government. Some felt the process was not transparent. The community in Linz, for example, started a Facebook campaign demanding Sanaç's resignation, and claimed that the relevant bodies of the IGGÖ had little or no involvement in the negotiations with the government.⁵¹

The opposition to the law was nevertheless mainly led by the MJÖ, which also drove the opposition to Sanaç's leadership. Having lost its status as the official youth organisation of the IGGÖ after Sanaç became leader, the MJÖ had already come into conflict with the leadership.⁵² Now defining itself as independent, the MJÖ had become a member of the Austrian National Youth Council (Bundes-Jugendvertretung), claiming to represent younger Muslims.⁵³ According to the MJÖ, the law would mean the 'eradication of Muslim civil society' and 'an incapacitating disempowerment of the Islamic faith in Austria'.⁵⁴ It would put the majority of Muslims under state supervision or divide Muslims into 'many weak and meaningless groups'. It claimed that the bill was unconstitutional since it would violate the principle of religious equality and freedom sanctioned in the constitution. Its main objection was that the general suspicion implicit in the Act regarding Muslims would make it very difficult to

⁴⁹ Interview with Sanaç by Adak. The view that the law empowered the IGGÖ and the religious communities operating under it was shared by the new leadership of the IGGÖ, which succeeded Sanaç, even though they maintained their criticism of his presidency. The IGGÖ's new vice president, Abdi Taşdöğen, who had been involved in the negotiations on the draft when Sanaç was president, argued in an interview in 2016 that the law also had its advantages: 'Bize dayatılanı değil, kendi gündemimizi takip edeceğiz', *Perspektif*, 1 July 2016. <https://perspektif.eu/2016/07/01/bize-dayatilani-degil-kendi-gundemimizi-takip-edecegiz/>

⁵⁰ 'Wegen Islamgesetz: IGGiÖ-Wahl wahrscheinlich erst 2016', *Religion.orf.at*, 13 February 2015, <https://religion.orf.at/v3/stories/2694570>.

⁵¹ "'Präsident Sanaç muss weg': Ausstand der Muslime', *Religion.orf.at*, 13 December 2014, <https://religion.orf.at/v3/stories/2684214>.

⁵² A new official youth organisation was established after Sanaç became leader of the IGGÖ. Schmidinger 2013: 51–2. The IGGÖ had been criticised by some Muslim groups before, as well. The debate surrounding the organisation had arguably become much more visible, especially after it lost the grounds for its claim to represent all Muslims in Austria as the ALEVI gained the status first of registered denominational community and then of recognised religious society – the same status as the IGGÖ. See Schmidinger and Çakır 2014.

⁵³ Hafez (a founder of the organisation) claims that the MJÖ has more than 30,000 sympathisers. He characterises it as a 'social movement organisation', even though he also notes that it is 'connected to power structures'. Hafez 2017: 271.

⁵⁴ 'Eine Stellungnahme der Muslimischen Jugend Österreich (MJÖ)', MJÖ statement, 5 October 2014, www.mjoe.at/uploads/media/Eine_Stellungnahme_der_Muslimischen_Jugend_Osterreich.pdf.

establish and promote an ‘Austrian Islamic identity’ and Muslims’ identification with Austria as home, especially for the Muslim youth.

Some of the MJÖ’s objections overlapped with the criticism initially voiced by the IGGÖ, such as the demand for a separate law for the IGGÖ, rather than a general law for all followers of Islam. Hence, the MJÖ argued that there ought to be separate laws for different Islamic confessions, indicating specifically the need for a separate law for the ALEVI, since they were included in the draft of the new Islam Act.⁵⁵ However, the MJÖ was evidently much more vocal in terms of the potentially negative effect of the new law on the diversity and independence of Muslim associations, since the draft implied that community organisations would either have to be forcibly subordinated to the IGGÖ or have to give up their religious practices. Subordination to a superior religious community would, according to the MJÖ, mean the dissolution of the association and of its independent legal status. Should the communities publicly give up practising their individual brands of religion in order to preserve their existence, the MJÖ believed, this would create an underground religious sphere in which those Muslim community organisations would secretly continue their practices. All that is left to them as an option to survive as independent entities is to obtain the status of *Kultusgemeinde* (religious community) within the IGGÖ by ensuring a minimum number of members – a prerequisite that is absent from equivalent laws, such as that concerning the Jewish religious community.

The draft also required the IGGÖ to make a ‘positive prognosis’ over the future development of the religious community trying to acquire that status. That also, according to the MJÖ, represents an ‘arbitrary unicum in Austrian religious law’, since it would mean that only Muslim organisations would be subject to ‘untransparent screening’.⁵⁶ Furthermore, the MJÖ argued that the position of Muslim associations was weakened, since they could be forced to organise themselves as *Kultusgemeinde*; their rights and institutions would be subordinated into the IGGÖ, but they would not have a say in religious instruction in schools. For the MJÖ, the prohibition of foreign funding was also an unconstitutional intervention by the state in the internal affairs of a recognised religious society. In a subsequent statement, it accused the draft of ‘destroying the internationally respected model of official recognition’ and ‘breaking with the tradition of living together in peace and respect that has been going on for 100 years’.⁵⁷

According to the MJÖ, the fact that the IGGÖ could lose its legal status singled out Muslims, since they would not enjoy the same state protection as

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ MJÖ, ‘Pressestatement’, 8 October 2014, www.mjoe.at/fileadmin/Dokumente/Pressestatement.pdf.

the other recognised religious societies in Austria.⁵⁸ The MJÖ pointed out several more differences between the provisions in the new Islam Act and those dealing with the same issues in the laws enacted for other recognised religious societies, such as the Protestant Act (*Protestantengesetz*) of 1961, which it saw as discrimination against Muslims. It argued that the Protestant Act grants a high degree of self-government to the Evangelical Church, which is able to make decisions regarding the recruitment of its personnel, while the IGGÖ would be granted only the symbolic right to give its opinion before a decision on personnel was made.⁵⁹ In a press conference on 14 October 2014 the MJÖ presented an alternative and ‘constitutionally compliant’ draft, which was ‘largely based on the Israelite Act (*Israelitengesetz*) of 1890 and the Protestant Act’ to ensure the constitutional principle of equality.⁶⁰ The MJÖ’s campaign against the original draft, which mainly held the government accountable, increasingly turned also against the IGGÖ’s leadership and council, calling on them to leave the negotiation table. It demanded Sanaç’s resignation, claiming that the results of the negotiations with the government were damaging for Muslims.⁶¹ The debate about the new Islam Act therefore turned into an occasion for the underlying cracks within the Muslim community to turn into open divergences.

REACTIONS OF OTHER ORGANISATIONS

Having received harsh criticism from several religious and political actors from across the spectrum, the new Islam Act was passed without a broad-based consensus. If there was one organisation that embraced it, that was the ALEVI. The ALEVI welcomed its consideration of the specific needs of the Alevis, such as provisions related to Alevi holidays, pastoral service and cemeteries. It expressed its support when the draft was submitted to parliament by indicating that the new Islam Act would offer legal certainty and greater channels of integration for Alevis in Austria.⁶² For the ALEVI, it was crucial that the new law would ensure separate branches of theological studies, providing the opportunity to teach Alevi theology in Austrian educational institutions. This would also reaffirm the recognition of different interpretations of Islam and the Alevis’ practice of their faith and traditions. The ALEVI also supported the ban on foreign

⁵⁸ MJÖ, ‘Pressestatement’, 14 October 2014, www.mjoe.at/articles/article/pressekonferenz-14102014. See also ‘Alternativentwurf zum Islamgesetz’, 14 October 2014, www.mjoe.at/fileadmin/Dokumente/2014_1014_Statement_PK.pdf.

⁵⁹ Ibid.

⁶⁰ For all press conferences and statements by the MJÖ on the new Islam Act, see www.mjoe.at/presse/islamgesetz.

⁶¹ “‘Präsident Sanaç muss weg’”.

⁶² ‘ALEVI begrüßt die Regierungsvorlage zum Islamgesetz’, ALEVI press release, 18 December 2014, www.ots.at/presseaussendung/OTS_20141218_OTS0035/islamische-alevitische-glaubensgemeinschaft-in-oesterreich-alevi-begruesst-die-regierungsvorlage-zum-islamgesetz.

funding because it would ensure the growth of a faith independent of politics and the influence of foreign governments.⁶³ Thanking the Republic of Austria and its citizens, the ALEVI's statement called the new law 'groundbreaking' and a 'milestone for Alevism in Austria', and expressed the wish for its speedy approval by parliament.

In sharp contrast, some Muslim organisations insisted that the law was unconstitutional. The Muslim Civil Society Network (Netzwerk Muslimische Zivilgesellschaft; NMZ), a small group established in October 2014 specifically to oppose the draft law, announced that it had filed a lawsuit against the Act at the Constitutional Court.⁶⁴ One of the biggest critics of the new Islam Act, the NMZ also indicated its intention to file a case before the European Court of Justice for the unequal treatment of Muslims, owing to the ban on foreign funding and the 'security aspects' of the law.⁶⁵ The NMZ accused Sanaç of 'manipulation' because of allegedly ambivalent public statements he made about the draft. It claimed that the statement of the IGGÖ's Shura Council criticising the draft for breaking with Austrian tradition appeared on the IGGÖ's website in diluted form, omitting some passages entirely. Having called the negotiations a 'fiasco', the NMZ harshly criticised the 'inefficient structures of the IGGÖ' and indicated that it would never accept a 'forced church'.⁶⁶

The ATİB was another organisation that declared its intention to turn to legal means to effect the annulment or amendment of the law. It came relatively late to the discussions. While it stressed that it would be directly affected by the law, it indicated that it would not interfere in the negotiations between the IGGÖ and the government and would not torpedo the enacting of the new law.⁶⁷ Not surprisingly, the ATİB criticised the prohibition of foreign funding. Having refused to be the 'extended arm of Turkey', as was claimed in the media, it criticised the attempt to establish an 'Islam of Austrian character' and argued that such an attempt would not agree with religious diversity and mutual respect, rendering the new Islam Act a 'security Act'.⁶⁸ ATİB representatives continued to oppose the law after it was passed, even emboldening the tone of their criticism by claiming that the law was designed specifically to prevent Turkish imams.⁶⁹

⁶³ Ibid.

⁶⁴ Hafez 2017: 271.

⁶⁵ 'Islamgesetz: Muslime kündigen Verfassungsklage an', *Religion.orf.at*, 24 February 2015, <https://religion.orf.at/v3/stories/2696212>.

⁶⁶ Ibid.

⁶⁷ 'Presseerklärung zum Islamgesetz 2015', ATİB press release, 25 February 2015, www.ots.at/presseaussendung/OTS_20150225_OTS0010/presseerklaerung-zum-islamgesetz-2015.

⁶⁸ Ibid.

⁶⁹ 'Turks to Fight Austria's Controversial Islam Bill at Court', *Daily Sabah*, 21 June 2015. <https://www.dailysabah.com/turkey/2015/06/21/turks-to-fight-austrias-controversial-islam-bill-in-court>

A small group, the Muslim Liberal Initiative in Austria (Initiative Liberaler Muslime in Österreich; ILMÖ), also announced that it had initiated an appeal against the Act at the Constitutional Court. Interestingly, the ILMÖ initially seemed supportive of the draft, claiming that it would have been prepared in a manner inclusive of all Muslims and their representatives.⁷⁰ It criticised the IGGÖ's description of the law as discriminatory and unjust, opposed the idea that Muslims would be regarded as second-class citizens and argued that such characterisations of the law would harm both Austria's image and the reputation of Austrian Muslims.⁷¹ However, it also raised concerns about certain provisions of the draft, such as the one about the withdrawal of state recognition, since this might mean a move away from the spirit of the original 1912 Act, which sanctioned that recognition.⁷² The ILMÖ intensified its criticism significantly after the Act was passed and accused it of enabling a 'breeding ground' for radical Islamists, jihadism and terrorism.⁷³ It characterised the IGGÖ as 'radical' and criticised the law for ignoring the fact that the majority of Muslims in Austria, in its view, would not feel represented by the IGGÖ.⁷⁴

Following the ATİB's initial lawsuit against the new Act at the Constitutional Court, the organisation made a second appeal, together with sixty other Muslim associations, for the annulment of the provisions that oblige mosques with association status to become legal entities under the IGGÖ.⁷⁵ The Constitutional Court eventually rejected these applications. In the meantime, a Turkey-funded imam affiliated with the ATİB had already been expelled from Austria, showing the first effects of the new Act.⁷⁶

While not directly a consequence of the new law, there were after 2015 other changes that supported those who claimed the beginning of an intolerant environment for Muslims in Austria, such as the adoption of the Anti-Face Covering Act (*Anti-Gesichtsverhüllungsgesetz*) in 2017.⁷⁷ Further restrictions were attempted, especially after an ÖVP–FPÖ coalition government was formed

⁷⁰ 'Liberaler Muslime sind für das neue Islamgesetz!', ILMÖ press release, 3 November 2014, www.parlament.gv.at/dokument/XXV/SNME/2015/fname_371506.pdf.

⁷¹ Ibid.

⁷² 'Islamgesetz Pro und Kontra', ILMÖ press release, 29 October 2014, www.parlament.gv.at/dokument/XXV/SNME/2015/fname_371506.pdf.

⁷³ Das neue Islamgesetz ist der Nährboden für radikale Islamisten, als Nährboden für den Dschihadismus und Terrorismus', ILMÖ press release, 24 February 2015.

⁷⁴ Ibid.

⁷⁵ 'Avusturya'daki İslam Yasası Anayasa Mahkemesine Taşındı', *Anadolu Ajansı*, 4 December 2015, www.aa.com.tr/tr/dunya/avusturyadaki-islam-yasasi-anayasa-mahkemesine-tasindi/485524.

⁷⁶ Öktem and Alkam 2017. See also 'Cami İmamı Sınırdışı Edildi', *Perspektif*, 1 March 2016, <https://perspektif.eu/2016/03/01/avusturya-islam-yasasiyla-ilk-sinir-disi>.

⁷⁷ The law prohibits concealing the face in public spaces. For the full text, see Federal Law on the Ban on Covering the Face in Public (Anti-Face Covering Act – AGesVG). Federal Law Gazette I no. 68/2017 (NR: GP XXV RV 1586 AB 1631, p. 179. BR: AB 9800, p. 868), www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/20009892/AGesVG%2c%20Fassung%20vom%2005.01.2024.pdf.

following the elections in 2017, bringing Kurz to power as chancellor of Austria. The election campaign became an occasion for the political right to advocate for the stricter regulation of Islamic organisations.⁷⁸ There were attempts, for example, to ban the wearing of headscarves in public offices, kindergartens and schools⁷⁹ and to restrict the rights of the IGGÖ's chaplaincy in prisons.⁸⁰ There were also investigations regarding possible violations of the ban on foreign financing introduced by the new Islam Act.⁸¹ In 2018, seven mosques were closed and forty imams affiliated with the ATİB were expelled from Austria for violating the prohibition on foreign funding; this was severely criticised by the Turkish authorities, and President Erdoğan's office called it 'Islamophobic, racist and discriminatory'.⁸² In fact, all these moves were occasions for further tension not only within Austria but also in relations between Austria and Turkey, since it was usually Turkey-backed organisations, such as the ATİBB or Austrian Muslims' links with Turkish political groups that were at the centre of any controversy. Turkey continued to consider regulations regarding Muslims in Austria as essentially linked to the Turkish community, and reacted accordingly.⁸³

Under its new president, Ümit Vural, who was elected in 2018, the IGGÖ remained critical of the provisions of the new Islam Act that cannot be found in the laws regarding other denominations and which therefore single out Muslims, such as the question of foreign funding and the emphasis on compliance with Austrian law.⁸⁴ It also continued to demand a separate law for the IGGÖ and the ALEVI, and better financial and institutional capabilities so as to be able to act on the authority bestowed upon it by the new law.⁸⁵

⁷⁸ Bauer and Mattes 2018.

⁷⁹ The ban on covering the head in kindergartens was implemented in 2018. See Bauer and Mattes 2019. The banning of the headscarf in primary schools, introduced in 2019, was overturned by the Constitutional Court in 2020 after an appeal by the IGGÖ. 'Austrian Court Annuls Headscarf Ban in Primary Schools', *Anadolu Ajansı*, 11 December 2020, www.aa.com.tr/en/europe/austrian-court-annuls-headscarf-ban-in-primary-schools/2074114.

⁸⁰ Mattes 2020.

⁸¹ Bauer and Mattes 2018.

⁸² 'Austria to Shut Seven "Political" Mosques and Expel Imams', BBC News, 8 June 2018, www.bbc.co.uk/news/world-europe-44410597. The closure of six mosques belonging to the Arab Religious Association was later annulled by the administrative court. The ATİB took the decision to expel the imams to the Constitutional Court, which ruled in favour of the expulsion in 2019.

⁸³ For example, when the bill on the banning of the headscarf in primary schools passed in Austria in May 2019, the Turkish Ministry of Foreign Affairs released a statement that condemned 'Islamophobia and xenophobia against Muslims and the Turkish community in Europe, notably in Austria'. See 'Press Release Regarding the Approval of the Law on Headscarf Ban in Primary Schools in Austria', 17 May 2019, www.mfa.gov.tr/no_141_avusturya-da-kabul-edilen-ilkokullarda-basortusu-yasagi-tasarisi-hk.en.mfa.

⁸⁴ Interview with Vural by Adak.

⁸⁵ Vural indicates, for example, that the training of imams remains a challenge, since the theology studies that were established under the new law do not meet the demand for imams. The IGGÖ wants to solve the problem of training imams and increase its own institutional and financial capacity to achieve that. Ibid.

The amendments to the new Islam Act in 2021, which came immediately after the terror attack by ISIS in Vienna in November 2020, boosted accusations of Islamophobia.⁸⁶ These changes increased the scrutiny of the finances of Islamic organisations, making it mandatory for Islamic religious societies to submit their accounts and a register of all associated institutions and officials, including temporarily active functionaries, to the federal chancellery upon request.⁸⁷ Introduced as part of a number of legal measures against terrorism, the tightening of the new Islam Act added to its association with the securitisation and control of Muslims, and has been harshly criticised by the Muslim communities, the IGGÖ calling it the institutionalisation of unequal treatment of Muslims.⁸⁸ When Vural was elected president of the IGGÖ for the second time, in December 2023, he declared that the 2021 amendments and the need to revise the new Islam Act would be at the top of his agenda in his new term, attesting to the continuing centrality of the debate over the Act in Austria.⁸⁹

CONCLUDING REMARKS

The new Islam Act and the associated debate not only refashioned the Muslim religious landscape and relations between the state and Muslim organisations in Austria, but also had implications beyond the country's boundaries, because of the transnational nature of the communities, religious institutions and networks it affected. For some, the new Islam Act signifies a move away from Austria's tolerant tradition in governance of the religious sphere, a tradition that originated in the historical legacy of the Habsburg Islam Act of 1912. According to Astrid

⁸⁶ Kurz made it on to the cover of the European Islamophobia Report 2021, edited by Enes Bayraklı and Farid Hafez. See www.islamophobiareport.com/islamophobiareport-2021.pdf. The annual report has been published in recent years by a group of NGOs, including the Leopold Weiss Institute in Vienna, but was initially launched by Turkey's SETA, a pro-government think tank aligned with Erdoğan.

⁸⁷ See Federal Law Amending the Federal Law on the Legal Personality of Religious Confessional Communities and the Islam Law 2015. Federal Law Gazette I no. 146/2021 (NR: GP XXVII RV 850 S. 925, p. 115. BR: AB 10707, p. 929), www.ris.bka.gv.at/eli/bgb/l/2021/146.

⁸⁸ 'Avusturya'da Müslümanların Haklarını Kısıtlayacağı Düşünülen Terörle Mücadele Yasa Tasarısı Mecliste Kabul Edildi', *Anadolu Ajansı*, 7 July 2021, www.aa.com.tr/tr/dunya/avusturyada-musluman-larin-haklarini-kisitlayacagi-dusunulen-terorle-mucadele-yasa-tasari-mecliste-kabul-edildi/2297281.

⁸⁹ 'IGGÖ Başkanı Seçilen Ümit Vural: "Öncelikli Gündem İslam Yasası"', *Perspektif*, 5 December 2023, www.perspektif.eu/2023/12/05/iggo-baskani-secilen-umit-vural-oncelikli-gundem-islam-yasasi. See also 'İslam Yasası'nda İstenen Düzenlemeler Ayrımcılık', *Hürriyet*, 4 February 2021, www.hurriyet.com.tr/avrupa/islam-yasasinda-istenen-duzenlemeler-ayrimcilik-41732532. Vural indicated that the IGGÖ's legal team has been working on a proposal of amendments. See Elif Zehra Kandemir, 'Avusturya İslam Toplumu (IGGÖ) Başkanı: "Müslümanlara Yönelik Şüphe Hala Var"', *Perspektif*, 2 April 2023, www.perspektif.eu/2023/04/02/avusturya-islam-toplumu-iggo-baskani-muslumanlara-yonelik-suphe-hala-var. This initiative was launched after a conference organised by the IGGÖ on 21 November 2022 with the title 'Islam Law 2015 – Best Practice Model?' together with legal experts and representatives of other religious communities. See the IGGÖ press release on the conference, 18 November 2022, www.derislam.at/2022/11/18/iggoe-ad-islamgesetz-fachtagung-zur-umstrittenen-novellierung. See also www.derislam.at/2022/11/23/fachtagung-2022.

Mattes, for example, the debate over the new Islam Act was the beginning of a major change in Austria's traditionally consensus-orientated governance of religion and should be understood in the context of the overall turn of Austrian politics towards illiberalism, characterised by the approximation of the political mainstream, such as the ÖVP, to such illiberal actors as the FPÖ. She argues that it was in the negotiations on the Act that 'we can not only observe the first drastic breach with the tradition of inclusive governance of religion, but also the institutional mingling of religion and immigrant integration politics'.⁹⁰ Similarly, Fared Hafez argues that the new Act is the product of a shift in Austrian politics characterised by Islamophobic populism and 'exclusionary rhetoric and politics'.⁹¹ It is suggested that the new Act not only marked a break with Austria's consociational politics, but also meant discrimination against Islam.⁹² Others, however, contend that the adoption of the new Act should be read as a more complex process with mixed and contradictory results. On the one hand, it reflects an attempt at 'vernacularisation' motivated by a biased opinion about Islam and the way Muslims should be 'integrated' and strongly echoes an agenda of securitisation. On the other, it led to some 'positive developments', such as the opening of several publicly funded Muslim educational institutions and the reaffirmation of the legal and political legitimacy enjoyed by recognised Islamic organisations.⁹³

The new Islam Act can be considered to be in line with the legacy of the Habsburg Islam policy insofar as it continues the legal framework built on the principle of incorporating recognised religious communities into the state structure and turning them into Austrian institutions as independent as possible of 'foreign' influence. In many ways, it strengthened the IGGÖ's position and power as the Sunni Muslim interlocutor of the state. It is therefore no surprise that the IGGÖ acknowledges the importance of the new Act, despite some reservations and criticism. The same applies to the ALEVI, which has expanded its position tremendously now that its entitlements as a recognised religious society are officially certified by a specific law. This expansion of the rights and political legitimacy of the IGGÖ and the ALEVI is also in line with the overall logic and working of the system of state recognition, whereby the state grants certain privileges to recognised religious communities through separate Acts, and cooperates with them. This cooperation with the state at the same time concurs with more demanding conditions of the recognition of religious communities.⁹⁴ It implies an expansion of the scope for state intervention and regulation, which

⁹⁰ Mattes 2020: 228.

⁹¹ Hafez 2017.

⁹² Hafez and Heinisch 2018.

⁹³ Öktem and Alkam 2017.

⁹⁴ For more, see Potz and Schinkele 2005.

sits uneasily with the principle of the institutional separation of Church and state that characterises the Austrian political system. Insofar as it empowers recognised communities at the expense of ‘unrecognised’ ones, creating both inclusion and exclusion, it is debatable to what extent the mechanism of state recognition aligns with the principle of religious freedom.⁹⁵

On the other hand, the amendment process of the 1912 Islam Act revealed equally strong elements of ‘rupture’ with the historical legacy, a fact that is especially apparent in the provisions of the new Act that differ significantly from the Acts adopted for other recognised religions. For example, the prohibition of foreign funding, which exists only in the Islam Act, projects Muslims as different and a potential problem group particularly susceptible to foreign influence. The state was vocal about this ‘difference’ during the debate over the new Act. Kurz very openly justified the singular treatment of Muslim organisations: ‘With other religions, there is not the challenge that we have to fear influences from abroad and therefore have to be stricter with financing.’⁹⁶ Such special regulations for Muslims, which continued with the most recent amendments to the new Islam Act in 2021, may exacerbate the prejudice and discrimination that are already on the rise owing to the securitisation and stigmatisation of Muslims.⁹⁷ They may make dialogue more difficult, not only between Muslim organisations and the state, but also between different Muslim organisations, since these provisions were at the heart of the criticism voiced by such organisations as the MJÖ and the MZN towards the IGGÖ and the nature of its relationship with the state.

BIBLIOGRAPHY

- Bader, Veit (2014), ‘Dilemmas of Institutionalisation and Political Participation of Organised Religions in Europe: Associational Governance as a Promising Alternative’, *Recode Online Working Paper* 25, www.recode.info/wp-content/uploads/2014/01/Final_Final-TITLE-PAGE-25-Bader_fin.pdf.
- Bauer, Dominique, and Astrid Mattes (2018), ‘Austria’, Volume 10, in *Yearbook of Muslims in Europe Online*, ed. Stephanie Müssig et al., Leiden: Brill.
- , and Astrid Mattes (2019), ‘Austria’, Volume 11, in *Yearbook of Muslims in Europe Online*, ed. Stephanie Müssig et al., Leiden: Brill.
- Çakır, Alev (2016), ‘The Struggle of the Alevi Religious Community for Recognition: Formatting of Alevism into Liberal Islamic Alevism’, in *Migration und Integration: Wissenschaftliche Perspektiven aus Österreich*, ed. Jennifer Carvill Schellenbacher, Julia Dahlvik, Heinz Fassmann and Christoph Reinprecht, Vienna: Vienna University Press, pp. 223–38.

⁹⁵ For more on this critique, see Roy 2013.

⁹⁶ Bethany Bell, ‘Austria’s Muslims Fear Changes to Historic Islam Law’, BBC News, 4 November 2014, www.bbc.com/news/world-europe-20814688.

⁹⁷ Kaya 2009; Bader 2014.

- Çıtak, Zana (2013), 'The Institutionalization of Islam in Europe and the Diyanet: The Case of Austria', *Ortadoğu Etüdleri* 5 (1), pp. 167–82.
- Hafez, Fared (2017), 'Austrian Muslims Protest against Austria's Revised "Islam Law"', *Journal of Muslim Minority Affairs* 37 (3), pp. 267–83.
- , and Reinhard Heinisch (2018), 'Breaking with Austrian Consociationalism: How the Rise of Rightwing Populism and Party Competition Have Changed Austria's Islam Politics', *Politics and Religion* 11 (3), pp. 649–78.
- Kaya, Ayhan (2009), *Islam, Migration and Integration: The Age of Securitization*, London: Palgrave Macmillan.
- Mattes, Astrid (2020), 'Turning away from Tolerance: Religion and Illiberal Politics in Austria', in *Illiberal Politics and Religion in Europe and Beyond: Concepts, Actors and Identity Narratives*, ed. Anja Henning and Mirjam Wiberg-Salzmann, Frankfurt: Campus, pp. 213–40.
- Öktem, Kerem (2016), 'Austria', in *Yearbook of Muslims in Europe*, Volume 7, ed. Oliver Scharbrodt et al., Leiden: Brill, pp. 41–61.
- , and Güler Alkam (2017), 'Austria', Volume 9, in *Yearbook of Muslims in Europe Online*, ed. Stephanie Müssig et al., Leiden: Brill.
- Potz, Richard (2015), 'Überlegungen zum Entwurf eines neuen Islamgesetzes', in *Österreichisches Jahrbuch für Politik 2014*, ed. Andreas Kohl et al., Vienna: Böhlau, pp. 361–73.
- , and Brigitte Schinkele (2005), *Religionsrecht in Überblick*, Vienna: Facultas.
- Roy, Olivier (2013), 'Secularism and Islam: The Theological Predicament', *International Spectator: Italian Journal of International Affairs* 48 (1), pp. 5–19.
- Schmidinger, Thomas (2013), 'Austria', in *Yearbook of Muslims in Europe*, Volume 5, ed. Jørgen Nielsen et al., Leiden: Brill, pp. 47–64.
- , and Alev Çakır (2014), 'Austria', in *Yearbook of Muslims in Europe*, Volume 6, ed. Jørgen Nielsen et al., Leiden: Brill, pp. 45–66.

*Double Minorities at the Edges of Islam
in Austria: Non-Sunni Muslims and
Faith Communities between Orthodoxy,
Heterodoxy and Secularism*

ALICIA ALLGÄUER AND THOMAS SCHMIDINGER

While early Muslims in Austria were predominantly Sunni, contemporary Muslim communities in the country reflect the diversity of immigrants who have come over the decades from different parts of the Muslim world. This diversity is often ignored by the non-Muslim majority, Austrian media and politicians, who still tend to see Muslims as a uniform community. Muslims of different sects and heterodox groups at the edge of Islam are, of course, only one aspect of the diversity and heterogeneity of religious communities of Middle Eastern origin in Austria. Their status as a religious minority within a secular, but still Christian-Catholic dominated, society intersects with class, gender, sexual orientation and different political opinions.

The dominance of Sunni Muslims in Austria is not just numerical. They also dominate the main Muslim organisations that enjoy specific legal rights and privileges thanks to state recognition. The aim of this chapter is to discuss the ‘double minority’ status of non-Sunni Muslims in Austria, as well as of other religious minorities with a certain vicinity to Islam.¹ We argue that as double minorities, these communities face specific and different challenges in their religious and social lives from those encountered by the dominant Sunni majority. The chapter will outline these challenges and analyse the relations of these communities with the state, the Austrian legal system and Sunni Muslim

¹ Religious communities that historically have a connection to Islam but now have clearly disassociated themselves, such as the Bahai and the Yezidi, are not covered in this chapter. The mostly Kurdish religion of the Yezidi (*Êzîdî*) obtained some influences from Islam, but this syncretistic religion is generally considered an independent, non-Islamic religion. The Yezidi diaspora in Austria has been growing in recent years, and its members have already founded their first associations in Vienna and Upper Austria.

communities. It will examine their position in relation to Islam, as well as their official representation in the country with regard to the state and the non-Muslim population. In doing so, the chapter will provide insights not only into the religious diversity of Muslim communities in Austria, but also into their multilayered relations with different segments of the country's social, political and legal systems.

Literature about Islam in Austria has generally focused on the dominant Sunni Muslim organisations. This chapter is the first attempt to shift the focus to minorities within the Muslim communities. It is striking that even these communities themselves have not published much about their own histories and experiences. Given this scarcity of scholarship and data, our analysis will be based on our years of participatory observations among different Sunni and non-Sunni Muslim communities in Austria, on in-depth interviews with representatives of communities and organisations and with non-Sunni Muslim Austrians. The community representatives and public figures whom we interviewed are identified by name, but the names of ordinary members of the 'double minorities' who were interviewed remain anonymous. The guarantee of this anonymity facilitated a much more open dialogue, allowing the interviewees to share their personal attitudes on sensitive subjects.

NON-SUNNI MUSLIMS AND FAITH COMMUNITIES AT THE EDGES OF ISLAM IN AUSTRIA: AN OVERVIEW

Austrian censuses give an individual the option to declare themselves Muslim, but they do not seek additional information about sectarian orientation. There are thus no accurate numbers for sectarian divisions within Austrian Muslim communities. Based on the latest census, of 2001,² the Austrian Muslim population in 2009 was estimated at slightly more than 500,000, approximately 6 per cent of the total population at the time.³ Owing to population growth and immigration, the figure in 2022 was probably between 700,000 and 750,000. In 2009, some 49 per cent of the Muslim population were Austrians, 21 per cent were Turkish nationals, 10 per cent had a passport from Bosnia Herzegovina, 7 per cent were from Serbia, Montenegro and Kosovo, 4 per cent were from the Russian Federation and 3 per cent were from Macedonia.⁴ Most Muslims with Austrian nationality are descendants of Turkish and Bosnian Muslims; the number of Austrian converts to Islam is still very small. Many Muslims of

² The last traditional population census in Austria was held in 2001. Since 2011 a register-based census has been conducted every ten years, replacing and continuing traditional censuses.

³ Marik-Lebek 2010.

⁴ 'Islam in Österreich', Österreichischer Integrationsfond, www.integrationsfonds.at/publikationen/monographien/islam-in-oesterreich (accessed 8 October 2023).

Turkish origin come from the provinces of Turkey with a high percentage of Alevi (Dêrsim/Tunceli, Sivas, Yozgat), which suggests that a significant portion of Turkish Muslims in Austria have an Alevi background. This is confirmed by a survey undertaken by the independent Bertelsmann Foundation in 2016–17, which estimates that 64 per cent of Austrian Muslims are Sunni, 18 per cent are Alevi and 4 per cent are Shi‘i.⁵

Besides the Alevi and the Twelver or Imami Shi‘a, there are also about 3,000 Alawites (or Nusayris), a handful of Kurdish Ahl-e Haqq/Yarsan, Zaydis from Yemen, Druze from Syria and Lebanon, and believers of different sects of Ismailism (Nizari and various Bohra sects), but few of these groups have established any form of organisation or engage in *da‘wa* in Austria.⁶ Religious scholars and believers themselves disagree about whether such religious communities as the Alevi, Alawites, Druze and Yarsan are offspring of different groups of the Shi‘i, or independent religious traditions.⁷

Other than these groups that are somehow related to or have common elements with Shi‘ism, there is an organised group of Ahmadiyya Muslims in Austria, with about 300 followers. The number of Ibadi Muslims is too small to form an organisation or to establish their own mosque. According to the embassy of the Sultanate of Oman in Austria – the only state where the majority of the population (including the ruler) practise Ibadi Islam, and the only state where the sect has official status – the small number of Ibadi Muslims in Austria visit Sunni mosques.⁸

ALEVISM AND ALEVI ORGANISATIONS IN AUSTRIA

Alevi immigration to Europe started in the 1960s as a result of bilateral labour agreements between Turkey and several European countries. Some Alevi groups also immigrated for political reasons during the 1980s and 1990s and settled in Austria either as political refugees or as family members in the course of chain migration processes. Germany has the biggest Alevi community in Europe, with around 800,000 inhabitants, followed by the UK, France and Austria; for the last-named, Tözün Issa and Emil Atbaş estimate around 80,000 residents.⁹

⁵ ‘Ergebnisse und Länderprofile: Muslime in Europa. Integriert, aber nicht akzeptiert’, Bertelsmann Stiftung, 24 August 2017, www.bertelsmann-stiftung.de/de/publikationen/publikation/did/ergebnisse-und-laenderprofile-muslime-in-europa.

⁶ *Da‘wa* is the ‘invitation’ to Islam, which means to preach Islam to Muslims and non-Muslims.

⁷ RIS 6Ob195/99s. Austrian authorities dealt with the issue of the Druze relationship to Islam on only one occasion, when the question arose as to whether or not a Druze could swear an oath on the Qur‘an.

⁸ Interview with Mahmood Hamed Nasser al-Hasni, Minister-Counselor Deputy Head of Mission of the Embassy of the Sultanate of Oman, 10 October 2011. The situation did not change much until 2022. The number of Ibadi Muslims in Austria is still limited to some diplomats and businesspeople, and there is neither an Ibadi mosque nor any kind of association.

⁹ Issa and Atbaş 2017: 193.

At first, most Alevis hid their faith in their new European homelands, as they had done in Turkey where Alevism – in common with other non-Sunni minorities – has been discriminated against. Alevis are considered Muslims by Turkey's Presidency of Religious Affairs (Diyanet İşleri Başkanlığı; hereafter Diyanet), the country's main religious institution, which is entirely Sunni. Because 'Muslim' means 'Sunni' according to the Diyanet, Alevi places of worship, the *cemevi*, are not recognised as such and Alevis must organise around cultural associations or foundations, having to use their own means for any religious, cultural or educational activity.¹⁰

It is a significant area of debate among Alevis and Alevi scholars whether to consider Alevism as a faith of pantheist character, a 'way of life', a culture with specific traditions rather than a religion, a religion completely different from Islam, or another interpretation of Islam. This debate has shaped the organisation of Alevi communities across Europe, and, consecutively, their formal recognition processes by the state.¹¹ There are also different viewpoints on the political dimension of Alevism; while for some socialism and Alevism have the same philosophical basis, others see political ideology as separate from religion.¹²

In the European diaspora it has become easier for Alevis to position themselves separately, to seek recognition as Alevis and to start other kinds of identity debate, not necessarily connected to Turkish nationalism or Islam.¹³ Metin Uçar argues that a type of reinvention of Alevism and a 'Euro-Alevism' emerged as a result of several processes, among them migration from rural to urban areas, religious freedom in the new countries, and exchange with other religious minorities.¹⁴ These identity debates also led to internal conflict and division. Martin Sökefeld identifies three conflict lines among Alevi organisations in Germany, which are also current in Austria. The first is among Kurdish Alevis, some of whom argue that establishing Kurdish Alevi organisations weakens Kurdish unity and the Kurdish cause. The second is about the relationship of Alevis with the Turkish state; while most Alevis in Germany and Austria are critical of the Turkish state and are no longer Turkish citizens, others do use Turkish national symbols and maintain a close relationship with the Alevi foundation CEM Vakfı in Istanbul, a mainstream organisation that is often in line with the Turkish state.¹⁵ The third conflict line is, as mentioned above, the relation of Alevism to Islam.¹⁶

¹⁰ Sökefeld 2008a: 13–16.

¹¹ Issa and Atbaş 2017: 190, 194. See also Hanoğlu 2017.

¹² Uçar 2017: 137.

¹³ Sökefeld 2008b: 205.

¹⁴ Uçar 2017: 131.

¹⁵ Sökefeld 2008a: 25–6.

¹⁶ Sökefeld 2008b.

In Austria, the process for the official recognition of Alevi religious organisations started in 2009, after years of discussion and preparation. At first, the various Alevi organisations agreed to make one common application to the Austrian Office of Religious Affairs (Kultusamt) under the umbrella organisation the Federation of Alevi Communities in Austria (Föderation der Aleviten Gemeinden in Österreich/Avusturya Alevi Birlikleri Federasyonu; AABF). The process of searching for common ground about the origins of Alevism, its relation to Islam and different political affinities led eventually to three applications in 2009: one by the AABF, which argued that it was an autonomous religious group with a ‘close relationship to Islam’; one by the Islamic Alevi Community in Austria (Islamische Alevitische Glaubensgemeinschaft in Österreich; IAGÖ), which defined itself as a part of Islam; and one by the Alevi Cultural Centre in Austria (Alevitisches Kulturzentrum in Österreich; AKÖ), which defined Alevism as a non-Islamic autonomous religion with an affinity to Zoroastrianism.¹⁷ The obvious need to define Alevism and differentiate it from other religious groups for it to be officially recognised as a religious community led to internal disagreement and has shaped Alevi organisations in Austria ever since.

The IAGÖ’s application was declined by the Kultusamt based on the argument that there already existed an official representation of Islam: the Islamic Religious Community in Austria (Islamische Glaubensgemeinschaft in Österreich; IGGÖ). The IGGÖ did not support the application for a separate Alevi religious organisation as another interpretation of Islam, either, arguing that Alevism is not part of Islam because its religious practice is considered contrary to Islam.¹⁸ On 13 December 2010, after a complaint to the Constitutional Court, the IAGÖ was officially registered by the Austrian state (Fig. 4.1).¹⁹ This was not as a ‘recognised religious society’ (*anerkannte Religionsgesellschaft*, the main category of recognition as a legally accepted public body), however, but as a ‘registered denominational community’ (*religiöse Bekenntnisgemeinschaft*), a first step towards the main recognition. In 2013, when it gained full recognition as a legally recognised religious society, the reference to Islam in the IAGÖ’s name was deleted and the name was changed to the Alevi Religious Community in Austria (Alevitische Glaubensgemeinschaft in Österreich; ALEVI).²⁰

The other two applications had a longer way to go, but finally also resulted in acknowledgement as registered denominational communities. The second

¹⁷ Cakir 2011: 83–4.

¹⁸ Arslan 2016: 201–2.

¹⁹ Ibid., 212.

²⁰ ‘Kirchen und Religionsgesellschaften’, Austrian Office of Religious Affairs, www.bundeskanzleramt.gv.at/agenda/kultusamt/kirchen-und-religionsgesellschaften.html; ALEVI website, www.aleviten.at (both accessed 13 May 2022).



Figure 4.1 Alevi associations from all over Austria protest for recognition as a religious community, 24 August 2010. Photography courtesy of the author.

application to be successful, also after being rejected at first, was that presented by the AKÖ, which submitted a new application under the name Old Alevi Confession Community (Alt-Alevitische Glaubensgemeinschaft in Österreich; AAGÖ; Fig. 4.2). It was accepted by the Austrian state on 23 August 2013 as a registered denominational community. The third application, presented by the AABF, was rejected several times, with the objection that it was too similar to the existing ALEVI religious community. After a complaint to the European Court of Human Rights in 2019 and a new application at the Kultusamt in 2020, it finally gained recognition as a registered denominational community on 13 August 2022 under the name Free Alevis Austria (Frei-Aleviten Österreich).²¹

As discussed in Chapter 2, the difference between the categories ‘registered denominational community’ and ‘recognised church and religious society’ in Austria is that the latter have full rights as legally recognised public bodies and are thus entitled to have their own religious education classes at public schools. ALEVI, being also recognised under the Islam Act of 1912, gained the right to

²¹ Marschalek 2022.



Figure 4.2 Logo of the Old Alevis with the Zoroastrian Faravahar, the Kurdish sun and Alevi (and Sufi) Semah dancers.
Photography courtesy of the author.

have its own academic specialisation programme in Alevi theological studies within Islamic theological studies at the University of Vienna.²²

Since these recognition processes started, the conflict lines within the Alevi community in Austria have worsened, or at least become more visible. While ALEVI claims to be the only ‘true’ Alevi organisation, understanding Alevism solely as a monotheistic Islamic religion with one God and the holy book the Qur’an, the Free Alevis and the Old Alevis have their own interpretations.²³ Hüseyin Akmaz, the president of the Old Alevis, explains:

We believe that the origin of Alevism lies with Zarathustra. The basic Alevi pillars *eline beline diline sahip ol* were also the basic pillars of Zarathustra. ... We believe that Alevism combines elements of different religions.²⁴

²² ‘Academic Specialisation in Alevi Theological Studies’, Department of Islamic-Theological Studies, University of Vienna, <https://iits.univie.ac.at/en/academic-studies/bachelors-programme-in-islamic-theological-studies/alevi-theological-studies> (accessed 15 May 2022).

²³ Interview with Rıza Sarı, spokesperson of ALEVI, 16 May 2022.

²⁴ Interview with Hüseyin Akmaz, 9 May 2022.

The Free Alevis claim to have the most open approach to Alevism, as their general secretary, Nurcan Bakmaz, explains: ‘The AABF is broader than the Old Alevis[;] we do not focus on Kurdish history and Zarathustra, but [rather] have very different ethnic and religious references.’²⁵

Besides the differences relating to religious heritage and praxis, there are also political differences that are at least as important. Both interviewees from the Old and the Free Alevis claimed to have problems with ALEVI, who criticised them for going their own religious and organisational way. Bakmaz states that:

ALEVI claims sole representation for all Alevis in Austria and bad-mouths the other groups wherever they can. I think this is because of their good relations [with] Turkey and the Diyanet. Turkey wants to control the Alevis in Europe.²⁶

ALEVI spokesman Rıza Sarı calls this accusation ‘absurd’, saying that ‘the Diyanet does not recognise Alevi religion, even less as an independent Muslim community.’²⁷ Akmaz also sees certain interests from the Turkish state in European Alevi organisations: ‘There is evidence that the Turkish state pursues the goal to “Islamise” the European Alevis.’²⁸

The ditches are deep, and much older than the current recognition processes, reflecting the Alevis’ history of discrimination and persecution in Turkey, and the search for new identities in Europe, based on a new-found self-confidence. Nevertheless, the design of the recognition process in Austria means it has the potential to aggravate intra-communal divisions. There is also an actual power imbalance between the three groups in Austria, owing to the difficulties of becoming a legally recognised religious community and the differences between the statuses. The Free Alevis, having been recognised only as a registered denominational community, seek full recognition as a next step. If they succeed, they will also gain the right to have their own religious education in public schools. Other rights that are linked to the Islam Act of 1912, such as having a branch of study within the department of Islamic theological studies at the university, are reserved for the two currently legally recognised Muslim religious communities: the IGGÖ and ALEVI.

²⁵ Interview with Nurcan Bakmaz, general secretary, *frei-aleviten*, 12 May 2022.

²⁶ Ibid.

²⁷ Interview with Sarı.

²⁸ Interview with Akmaz.

BETWEEN QOM AND NAJAF: TWELVER OR IMAMI SHI‘A

The first encounter between Austria and the Imami Shi‘a dates from the sixteenth century, when the Habsburg emperor Ferdinand I, in the course of considering an alliance with Persia against the Ottomans, established diplomatic contacts with the Shi‘i Iranian Safavid dynasty.²⁹ The first Imami Shi‘a in Vienna were Iranian traders and diplomats, who lived there in the nineteenth century. However, when Islam was recognised in Austria after the annexation of Bosnia, the Austrian Islam Act of 1912 recognised only Sunni Muslims of the ‘Hanafi rite’ and did not mention Shi‘a or any other Islamic sect (see Chapter 2).³⁰

After 1960, students and refugees from Iran started to arrive in Vienna. With the coup d’état of the Ba‘ath Party in Iraq and the takeover of the increasingly anti-Shi‘i regime of Saddam Hussein, hundreds of activists from Iraqi Shi‘i opposition parties and Communists of Shi‘i origin fled to Austria. After the Iranian Revolution of 1979, there was yet another wave of refugees. Both the Iraqi and Iranian Shi‘a were highly educated. Most of the Iranians come from a left-wing or monarchist background, and although many are officially Shi‘i Muslims, religion does not play an important role for them all.

Besides these highly educated and politicised communities, more humble Shi‘a immigrated to Austria. A small Turkish Shi‘i and Azeri community runs its own mosque in Vienna, and Pakistani Shi‘a often work as newspaper vendors. Since about 2010, an increasing number of Hazara Muslims from Afghanistan and Pakistan have taken refuge in Austria. These groups are generally less educated than the Iranian and Iraqi Shi‘a and much less successful economically.

While the majority of Iranians in Austria either fled the Islamic Republic or distanced themselves from the leadership of the country, post-revolutionary Iran has influenced the Austrian religious landscape. Some left-wing Austrians were also deeply affected by the revolution. Two ex-Maoists, Josef Muhammad Lanzl and Erich Muhammad Waldmann, still play an important role in pro-Iranian Shi‘i organisations. Together they established the Islamic Educational and Cultural Centre Austria (Islamisches Bildungs- und Kulturzentrum Österreich; IBIKUZ).³¹ While the IBIKUZ is a cultural and political organisation serving non-Iranian Shi‘a, the Islamic Centre Imam Ali (Islamisches Zentrum Imam Ali) serves the Iranian Shi‘i community, including other Farsi-speaking communities, such as the Afghan Hazara, as a religious centre. Politically, both are linked to the Islamic Republic of Iran.

²⁹ Rill 1993: 55.

³⁰ Gesetz vom 15. Juli 1912 betreffend die Anerkennung der Anhänger des Islam als Religionsgesellschaft, RGBl. no. 159/1912.

³¹ Schmidinger and Larise 2008: 240.

The Imam Ali Centre was established in 1993 by the Islamic Republic of Iran but did not offer a complete range of religious services until 2000, when the first regular imam was sent from Iran. While many oppositional Iranians in Vienna see it as being entirely controlled by the Iranian embassy, it presents itself as a religious centre for all Austrian Shi'a. Financed by the Iranian government, it originally occupied a building in Mollardgasse, in the 6th district of Vienna, but moved in 2019 to Richard-Neutra-Gasse in the more peripheral 21st district of Floridsdorf, where its facilities include a youth club with fitness equipment, a library and classrooms.³² There are also other Shi'i organisations that serve specific purposes in close connection with the Imam Ali Centre, such as the centre's women's group and the Association of Islamic Doctrine of Ahlul-Bait (Verein Islamische Lehre der Ahlul-Bait). Many Iranian Shi'a – especially those who fled Iran for political reasons – never go to the centre, mainly because of its dependence on the Iranian embassy, a circumstance that serves to make it an extension of the embassy, rather than an Austria-based Shi'i institution.

The centre's move to its new building on land acquired from the Islamic Republic of Iran in the industrial park of Floridsdorf caused political and media debate. Critics argued that the property was a dedicated commercial site, which precluded its use as a mosque. Accordingly, the construction of a mosque was rejected by the planning authorities.³³ Nevertheless, Friday prayers are held in the building that was already on the site, a practice that has led to critical media coverage and, on several occasions, the threat of punishment.³⁴

Pakistani, Azeri and Iraqi Shi'a, who follow the traditional *Hawza ilmiyya* (religious seminar) of Najaf under Grand Ayatollah Sayyid Ali al-Husayni al-Sistani, have their own mosques. These various Shi'i mosques established a loose umbrella organisation, Shi'i Association Ahl-ul Bayt (Schiiten Vereinigung Ahl-ul Bayt), in 2008. They became divided over the question of whether they should participate in the Sunni-dominated main Islamic organisation, the IGGÖ, or ask for separate recognition as a Shi'i religious community. In 2011, the pro-Iranian groups established a new umbrella organisation, Islamic Association Ahl-ul-Bayt (Islamische Vereinigung Ahl-ul-Bayt – Verband für die schiitischen Vereine in Österreich; IVAÖ). Officially, they incorporate the Shi'i mosque Ahl-ul-Bayt in Treisenberggasse, Salzburg, the mosques of the Azeri and Turkish Shi'ites, the El Mehdi Mescidi in Hasnerstraße (in the 16th district of Vienna) and the Pakistani Shi'i mosque, the al-Asr Islamisches

³² Ibid., 237.

³³ 'Baupolizei verbietet Moschee in Floridsdorf', ORF, 16 September 2019, <https://wien.orf.at/stories/3013097>.

³⁴ Christoph Schwarz, "'Geheim-Moschee': Baupolizei überrascht Muslime mit Kontrolle', *Kurier*, 26 July 2019, www.kurier.at/chronik/wien/geheim-moschee-baupolizei-ueberrascht-muslime-mit-kontrolle/400562117.



Figure 4.3 A protest in Vienna against terrorist attacks and massacres in Pakistan against the Hazara, with an explicit reference to persecution on account of their Shi'a affiliation, 25 January 2013. Photography courtesy of the author.

Kulturzentrum, in Raffaelgasse (in the 20th district).³⁵ However, the mosques of the Pakistani and Azeri Shi'a seem to be only loosely connected to the IVAÖ (Fig. 4.3). The IVAÖ also claims to represent the Shi'ite Hazara from Afghanistan. However, until recently they did not have an organisation. It was not until the end of 2012 that some Hazara from Afghanistan established a mosque in the 17th district of Vienna, named after Fatimah al-Zahra, the wife of Ali ibn Abi Talib.

The IVAÖ was mainly established to participate in the elections for the IGGÖ in 2011, and it enabled those Shi'a who supported the Iranian regime to gain minor positions in the IGGÖ. The core positions of the IVAÖ are all controlled by functionaries who support the Iranian regime, so the majority of Iranians in Austria, who are secular, do not have any connection to them. Religiously, the leadership of the IVAÖ is orientated towards Qom and Ayatollah Ali Hosseini Khamenei, the *Rahbare Mo'azzame Enghelab* of the Islamic Republic of Iran. Khamenei is not the traditional leader of Imami Shi'a, but the successor of Ayatollah Khomeini. His function as *rahbar*, the political and religious leader, is

³⁵ 'Al Asr Islamisches Zentrum Verein für Kultur und Sport', Islam Landkarte, www.islam-landkarte.at/detail/al-asr-islamische-kulturzentrum (accessed 20 August 2022).

a product of Khomeini's political theory of the guardianship of the Islamic jurists and not of the traditional Shi'i clergy. For Shi'a from Iraq and many other parts of the world, the *Hawza ilmiyya* in Najaf, under al-Sistani, is still the supreme centre of religious orientation. The differences between Qom and Najaf are mainly political, with religious roots. This split also manifests itself in Austria. While the Iraqi Shi'i Ahl ul-Bayt Mosque was part of the Schiiten Vereinigung Ahl-ul Bayt, its visitors are now people who are with the IVAÖ and people who are trying to establish an independent recognised Shi'i religious community. The mosque itself is open to all Iraqi Shi'a.

A group in opposition to the IVAÖ, under the leadership of Salem Hassan (who is also the long-time representative of the Islamic Supreme Council of Iraq in Austria), cooperates with other Shi'i Arabs. It set up an organisation called Islamic Cultural Centre Al Mufid (Islamisches kulturelles Zentrum Al Mufid), which applied for official recognition as an Islamic-Shi'i Religious Community in Austria (Islamische-Schiitische Glaubensgemeinschaft in Österreich), independent of the IGGÖ. In a declaration of the fundamentals of their faith, they explicitly allied themselves to the *Hawza ilmiyya* in Najaf. They affirmed their acceptance of human rights and Austrian law and declared that a Shi'i political system could be created only with the return of the Twelfth Imam from occultation. This affirmation implies that Hassan, who is president of the Islamic Cultural Centre Al Mufid, considers the independent recognition of a Shi'i religious community critical owing to the IGGÖ's neglect of Shi'i teachings, especially concerning religious education in public schools, where only legally recognised religious societies have the right to teach their religion. After applying for recognition in 2010, Hassan explained his organisation's difference from the IVAÖ and his attempt to create an independent Islamic-Shi'i religious community:

The IVAÖ believed that they should stay together with the IGGÖ, but I was against that because of the many cases of Shi'i children who didn't get proper religious supervision in class. They were also offended by being told that they believed in the wrong religion. Children of Iraqi Shi'a were especially offended by teachers of the IGGÖ. I have heard about these cases for twenty-five years, and most children deregistered from Islamic religious education due to that insult. We live in a democratic country with freedom of religion. So, we also have the right to use that freedom. That is why I decided to do something. I founded the Islamic Centre, applied for official recognition, and 350 Iraqi Shi'a supported the application with their signatures.³⁶

³⁶ Interview with Salem Hassan, president of the Islamisches kulturelles Zentrum Al Mufid, 8 March 2012.



Figure 4.4 Ashura in the mosque belonging to the Islamic-Shi‘i Religious Community in Pezzlgasse in Vienna, 26 July 2023. Photography courtesy of the author.

Pro-Iranian Shi‘a reacted harshly to Hassan’s attempt to achieve independent recognition. The imam of the pro-Iranian Imam Ali Centre in Vienna even verbally attacked Hassan during his Friday sermon. However, on 1 March 2013 the Kultusamt recognised the Islamic-Shi‘i Religious Community as a registered denominational community (Fig. 4.4).³⁷ The Austrian legal situation would allow the community to apply for recognition as a legally recognised religious society ten years after being granted registered denominational community status. For that to be successful, however, it would need at least two adherents for every thousand of the total population, which – with a membership of 5,200 – it does not currently achieve.³⁸

While Hassan openly expresses his dissatisfaction with the religious classes organised by the IGGÖ in public schools, the IVAÖ has in fact been trying to end the exclusion of Shi‘i teachings from the official Islamic religious education curriculum of the IGGÖ. However, the IVAÖ’s attachment to the IGGÖ did not change the absolute dominance of Sunni organisations within the structures of the IGGÖ. The Islamic scholar Irka-Christin Mohr, speaking of Islamic

³⁷ Decision of 28 February 2013; GZ BMUKK-12.056/0005-KA/2012.

³⁸ Interview with Hassan, president of the Islamic-Shiite Religious Community, 22 August 2022.

education in Europe in 2006, notes that nothing of Shi'i history, religion or law has been taught in Islamic education classes in Austrian schools, a state of affairs that persists to the present day.³⁹ She even mentions the case of a Shi'i religious teacher who hid her Shi'i identity and taught her pupils according to the Sunni standards set by the IGGÖ. This tallies with the accounts we heard from members of the Shi'i families of Iraqi and Iranian origin. One of Mohr's interlocutors at the Imam Ali Centre at the time told her that they would still support the joint religious classes of the IGGÖ because 'the separation between Sunnis and Shi'a is promoted by those opposed to Muslim unity.'⁴⁰ This reflected the official position of the centre, which did not necessarily echo the wishes of ordinary believers. However, this position is relevant if we wish to understand the differences among the Shi'a who support the Iranian regime and follow Qom, and the Shi'a who follow Najaf. While the Qom faction still focuses mainly on the unity of the *Umma* (the entire Muslim community) for political reasons, the Najaf faction focuses on its specific Shi'i identity. However, all these organisations represent only a part of the Austrian Shi'i population. The majority of Shi'a, especially secular Iranian Shi'a, do not belong to any Islamic organisation.

IMMIGRATION OF 'GUEST WORKERS': ALAWITES/NUSAYRIS IN AUSTRIA

Another group in Austria that has origins in Shi'ism is the Alawites or Nusayris. Many of them also call themselves 'Arab Alevis', which often results in them being confused with the religiously different Turkish and Kurdish Alevis; the term Nusayri, meanwhile, is often seen as an external designation.⁴¹ Alawites immigrated to Austria as part of the entry of the so-called guest workers (*Gastarbeiter*), starting with the bilateral agreement made between Austria and Turkey on 15 May 1964. These initial Alawite immigrants from Turkey were joined by Alawite refugees from Syria who immigrated to Austria after the beginning of the Syrian civil war in 2012. There are some Alawite families as asylum-seekers in the province of Upper Austria and in Vienna, but currently their number is limited.

As with the Imami Shi'a, there are no accurate estimates of the number of Alawites in Austria, partly because many Alawites do not declare themselves as such. They are a small but growing minority within the country's Muslim population, and the Alawite intellectual Şemsi Sümbültepe estimates that they number about 3,000.⁴² Most live in Vienna, the federal state of Vorarlberg, and the city of Wiener Neustadt in Lower Austria. Many Alawites worked in the

³⁹ Mohr 2006: 187.

⁴⁰ Ibid., 188.

⁴¹ Alawite and Nusayri are used synonymously in this chapter.

⁴² Şimşek 2017: 346.

textile industry in Turkey, and so came to the region around Wiener Neustadt to work in the local textile industry. Also, many have specific political importance in Syria, where they form about 12 per cent of the population.⁴³ They had their own territory, État des Alaouites, under the French protectorate,⁴⁴ and under the regime of the Alawi Hafiz al-Assad (president of Syria 1971–2000), Alawites were installed in the most important positions.⁴⁵

When the Alawites in Austria organised their first association in 2005, they did so under the neutral name Çukurova Cultural Centre (Çukurova Kültür Merkezi), without any religious connotation.⁴⁶ The centre was explicitly Alawite, and a first framework for organised religious activities, but used neither ‘Nusayri’ nor ‘Alawite’ in its name. It managed to attract 350 members, but that number declined, owing to internal conflict.⁴⁷ The association is at present inactive. However, being adherents to an at least partly hidden form of religion without any church-like organisation, Alawites do not necessarily need an organisation for their religious activities. According to our Alawite informants (most of them living in Vienna), every young man in the community is still sent for religious instruction to an *amca* or *şaiikh* in Turkey, since the community in Austria does not have religious leaders or indeed many people with religious knowledge. The only person who is from a family of *maşāih* (the Arabic plural of *şaiikh*) lives in Stockerau, a small town west of Vienna with slightly over 15,000 inhabitants. He played an important role in the foundation of the Çukurova Kültür Merkezi and has a broad religious knowledge.⁴⁸ He does not want to be identified as a member of the broader Turkish Islamic Community and agreed to an interview only under the condition of anonymity. The communities in Vienna, Wiener Neustadt and Vorarlberg, therefore, do not have a permanent source of religious advice.

In almost every family, some Alawite traditions and religious feasts are celebrated. While many Alawites are left-leaning secularists, at least some of the elements of their religious identity still play a role. A young secular, progressive woman describes her connection to her religious identity:

I do not have any relation to my Alawite identity in my daily life, but I feel attracted to the whole philosophy. It is more a sort of lifestyle than a religion. And I like this lifestyle because it is very close to nature. I can tell you how I saw that with my grandfather ... With my grandfather it was like that, that

⁴³ George 2003: 3.

⁴⁴ Balance 2006: 33.

⁴⁵ Sträheli 2001: 44–7.

⁴⁶ Their original name is in Turkish.

⁴⁷ Schmidinger and Çakir 2014: 55.

⁴⁸ Interview with a son of a *şaiikh*, 13 April 2012.

he had a huge garden where he worked and spent much of his time. I often went to him and tried to talk to him, and he never answered. I was afraid that he suffered from hearing loss. But they later told me that he was praying while working in the garden. You can pray anywhere. There are no rules. Of course, those [Alawite] who are more religious have their rituals and so on, but nobody is forced to do that.

This libertarian aspect of being spiritual but not obeying the Sharia seems to be important for many young and left-wing Alawites. They see their version of Islam as being in opposition to the mainstream version (which they consider to be conservative) and as an invitation to personal spirituality in opposition to a religion of law, which is how they see mainstream Islam. The Alawite identity seems to be particularly keen on its difference from Sunni Islam, making the Alawites strong opponents of the present Turkish government under Recep Tayyip Erdoğan, and of all Sunni Islamist movements. In the Austrian context, this also makes them fierce opponents of the Sunni-dominated IGGÖ and its long-standing claim to represent all Muslims in Austria. No single Alawite we talked to felt represented by the IGGÖ, and all expressed their astonishment at the Austrian state's support for the organisation, which they see as a nest of fundamentalists.

However, this opposition to Sunni Islam and its institutions is not static. Many Alawites express their rejection of Sunni Islam in a Turkish or Muslim context, but also feel attacked if extreme right-wing politicians, such as those in the Freedom Party of Austria (Freiheitliche Partei Österreichs), attack Muslims. Zerife Yatkın, a politician from the Green Party (Die Grünen) who is an Alawite from Samandağ, spoke about her ambivalence to Sunni Muslims in the context of anti-Muslim racism in Austria:

In Turkey I always had to hide my Nusayri identity. Except in Samandağ, where we were all Nusayris. But normally we had to hide. When I came to Austria suddenly I was made a Muslim – everybody asked me where my headscarf was and so on. Austrians just saw me as a Muslim. Between Samandağ and Austria I spent ten days in Istanbul. There I couldn't even mention that I am Alawite, because my sister was so afraid. So I had to deny my identity. ... Somehow this is still present here as well ... I'm haunted by that. It always comes up. But what is even worse here in Austria is that for the Austrians I am a Muslim. While the Sunnis insult me for being an Alawite, the Austrians insult me for being a Muslim.⁴⁹

⁴⁹ Interview with Zerife Yatkın, 20 February 2012.

In the context of Austria, Alawites are part of a larger secular-heterodox population, where they feel affinity to the Alevis. Especially because many Austrians do not know the difference between Alevis and Alawites, some Alawites feel somehow attached to a larger Alevi identity. Some Alevi associations have tried to get in contact with them. Yatkın also, to a certain degree, accepts Alevism as part of her complex identity:

Here I am generally seen as an Alevi. Austrians and Sunni Muslims don't know the difference between Alevis and Nusayris. In Turkey I'm a Nusayri, here I am just an Alevi. Of course, there are differences. The Alevis don't accept us as one of them, but they accept us as Nusayris and are friendly to us.⁵⁰

This proximity between Alawites and Alevis led to further convergence after ALEVI gained the status of legally recognised religious society in May 2013. The privileges of that status seem to have attracted some Alawites as well, since they established a new organisation that used the Turkish term 'Arap Aleviler' (Arab Alevis) and became affiliated with the newly recognised Alevi religious community. The social media profiles of the Cultural Association of Arab Alawites in Austria (Kulturverein von Arabischen Aleviten in Österreich/Avusturya Arap Aleviler Kültür Derneği), for example, share information about general Alevi activities and very rarely refer to a distinct Alawite identity (Fig. 4.5). In October 2013, the ALEVI spokesman Rıza Sarı announced in an interview with the daily newspaper *Der Standard* that 'an association of Turkish-Syrian Alawites' (the Cultural Association of Arab Alawites in Austria) had joined them.⁵¹ The first public event for the new Alawite association was organised in November 2013, and in the summer of 2014 it opened its own centre in Leobersdorf.

In 2013, the European Federation of Arab Alevis (Avrupa Arap Alevi Federasyonu), led by Ahmet Özügürlü, was also established, and its Facebook page clearly shows both a pro-Kemalist orientation and loyalty to the Syrian regime. Propaganda postings for the Syrian army, Syrian President Assad and the Iranian commander of the al-Quds Brigades, Qasem Soleimani, who was killed in 2020, can be found again and again.⁵² Although in interviews with Turkish media Özügürlü claims to represent the Arab Alawites recognised by Austria,

⁵⁰ Ibid.

⁵¹ Rusen Timur Aksak, 'Aleviten-Sprecher: "Es bringt ja nichts, uns zu diskriminieren"', *Der Standard*, 28 October 2013, www.derstandard.at/story/1381370019993/aleviten-sprecher-es-bringt-sich-ja-nichts-uns-zu-diskriminieren.

⁵² 'Avrupa Arap Alevileri Federasyonu', Facebook, www.facebook.com/538477832862767 (accessed 23 April 2022).



Figure 4.5 The Arap Aleviler Kültür Derneği in the industrial area of Leobersdorf, south of Vienna, 2015. Photography courtesy of the author.

the federation is not recognised as a religious community in that country.⁵³ However, it is true that the Cultural Association of Arab Alawites in Austria maintains good relations with the federation, without being a formal member. From the point of view of the long-standing chairman of the association, Ganim Biçer, the Arab Alawites were also recognised separately by the state thanks to their accession to the Alevi Religious Community in Austria.⁵⁴ In reality, because there is no independent recognised Alawite religious community in Austria, it is not possible, legally speaking, to talk about separate recognition as Arab Alawites by the state. In 2018, the Cultural Association of Arab Alawites in Austria was indeed recognised as a community within ALEVI under the name Avusturya Arab Alevileri (Arabisch Alevitische Glaubensgemeinde Österreich).⁵⁵ However, this is a recognition within an existing recognised religious society, and not independent recognition as an Alawite registered denominational community or recognised religious society. It simply became a community within ALEVI.

⁵³ 'Arap Alevileri ve Yaşam Felsefeleri Avusturya Basını'nda', 13 May 2020, www.8gunhaber.com/haber/46007/arap-alevileri-ve-yasam-felsefeleri-avusturya-basininda.html.

⁵⁴ Interview with Ganim Biçer, 24 May 2022.

⁵⁵ Written confirmation from the Austrian Office of Religious Affairs (Kultusamt), dated 12 June 2018: GZ: BKA-KA9.020/0003-IV/11/2018.

KURDISH YARSAN IN AUSTRIA

There are slightly more than 100 members of Yarsanism (also known as Ahl-e Haqq or Kakai) living in Austria. As with the Alevis and Alawites, there is a debate within the Yarsan community about their relationship to Islam. While some see themselves as part of (Shi'i) Islam, others firmly reject this classification. The terminology of this syncretic religious community, most of whose members live in the Iraq-Iranian border region of Hawraman, already raises the question of the relationship to Islam. While the name Ahl-e Haqq is usually preferred by those who see themselves as Muslims, those who see their religion as independent of Islam prefer to call themselves Yarsan. In Iraq, the term Kakai is common, although it actually refers to a subgroup of the Yarsan.

The Austrian Yarsan come mainly from Iran, and there are also some families from Iraq. In June 2019, many of the Yarsan from Iran founded an association, which has around eighty members. The distance from Islam is expressed in the association's name, Yarsan-Kurds Austria (Yarsan-Kurden Österreich), and affirmed by Froud Haydari, the *Pîr* (religious cleric) for the association. He says the Yarsan have 'nothing whatsoever to do with Islam'.⁵⁶ Those in Kurdistan who claim to be Muslims do so out of fear of Muslims. In the freedom of the diaspora, however, they would agree that their religion, which is older than Islam, has no connection with Islam, and that the IGGÖ and the Islam Act have no relevance for them. In the long term, the association would be interested in achieving recognition as a registered denominational community. However, even with the joining of Iraqi families, there are not enough Yarsan in Austria to reach the necessary 300 members.

ISMAILIS AND DRUZE

Almost all of the 300 or so Ismailis in Austria are members of the Qasim-Shahi branch of the Nizaris, numerically the largest sect of Ismailis, led by the Aga Khan. None of the different Bohra branches has adherents in Austria.⁵⁷ Most of the Austrian Ismailis have been in the country for only a few years and come from Pakistan and Syria; a small number are from Afghanistan and Tajikistan. Among the Ismailis who fled Syria for Austria could also be individual Nizaris of the remaining Mumin-Shahi, who split from the present-day followers of the Aga Khan in about 1310.⁵⁸ This group, which was historically widespread in Syria and traditionally rivalled the followers of the Aga Khan, is today

⁵⁶ Interview with Froud Haydari, *Pîr* and co-founder of the Yarsan-Kurden Österreich, 12 May 2022.

⁵⁷ To clarify this, enquiries were made with all the major Bohra groups. All confirmed that there were no members of their faith community in Austria.

⁵⁸ Daftary 2012: 139.

represented only by remnants in Syria. Since historical disputes between the two Nizari currents have now largely been settled, scattered Mumin-Shahi Ismailis in Austria today could also find a new religious home within the main line of Nizaris, subordinate to the Aga Khan.⁵⁹

There is an informally organised community of Ismailis, which rents rooms in a Viennese hotel for Ismaili holy days. Although Ismailis could theoretically also be members of the IGGÖ, those with whom informal discussions were held for this chapter did not feel represented by that organisation, and had no interest in it. The question of whether they, as Ismailis, were members of the IGGÖ seemed completely absurd to them, and they did not know any other Ismailis who were members of it.

The number of Druze in Austria is even smaller. There were a few families from Lebanon even before the flight from Syria, but the majority of the Druze living in the country today came from Syria from 2015 onwards and live scattered all over Austria. These refugees are still struggling with job searches or education and are not yet established enough to found an association or religious community. An active, educated member of the community estimates that there are about 200 adult Druze from Syria in Austria. He explains that discussions have taken place to establish an association or club but that everybody is so busy attempting to reorganise their lives that nothing of the kind has yet been started.⁶⁰

REFUGEES, STUDENTS AND BUSINESSMEN: THE AHMADIYYA MUSLIM JAMAAT

The Ahmadiyya is an Islamic sect established by the nineteenth-century Indian reformer Mīrzā Ghulām Aḥmad, who claimed that he was the divine reformer (*Mujaddid*), the promised Messiah and Mahdi awaited by Muslims. This belief in him as the Messiah and Mahdi separates Ahmadiyya Muslims from both Sunni and Shi‘i Muslims. While the Ahmadiyya are seen as apostates by many Sunni Muslims, they themselves consider their belief to be the original and true Islam.⁶¹ In 1914, when the first *Khalifa* died, only six years after Aḥmad’s death, the movement split over the question of the succession and the prophecy of Aḥmad. The Lahore Ahmadiyya Movement for the Propagation of Islam (Ahmadiyya Anjuman Ishaat-i-Islam Lahore; AAIL) still accepts the finality of the prophethood of Muhammad, while the Ahmadiyya Muslim Jamaat (AMJ) believes in continuity of prophethood.⁶²

⁵⁹ Douwes 2011.

⁶⁰ Interview with Nasim Nasr, 30 March 2022.

⁶¹ Ahmad 1993: 33.

⁶² Valentine 2008: 58.



Figure 4.6 Prayer room of the Ahmadiyya Muslim Jamaat, in its former centre in Sandrockgasse, Vienna, 2012. Photography courtesy of the author.

Both wings of the Ahmadiyya have been active in Germany, the Netherlands and Britain since the early twentieth century, but it took until the mid-1980s for the AMJ to become active in Austria, while the much smaller AAIL never managed to create a presence there.⁶³ The Austrian AMJ started with a small group of refugees from Pakistan, a country where its members face persecution, which the Austrian courts recognised as an ‘increased risk for Ahmadiyya-Muslims in Pakistan’.⁶⁴ The AMJ gained official status as an association only in 1992.⁶⁵ Originally performing the Friday prayer in its members’ private apartments, the organisation established its first prayer room in 1997 in Mosergasse, Vienna. Currently, its centre is on Lindengasse in Gerasdorf, near the capital (Fig. 4.6).

There is also a small Ahmadiyya group in Salzburg that meets for collective Friday prayer in a private apartment. Since about 2010, the number of believers has increased, but Vienna and its surroundings have remained the centre. In recent years, a group of Ahmadiyya Muslims has also emerged in Vorarlberg and Tyrol, as well as an active youth organisation. These small new groups in the

⁶³ Interview with Jahangir Morshad Alam, president of the Ahmadiyya Muslim Jamaat Austria, 6 February 2012.

⁶⁴ UBAS 222.780/9-1/03/01, UBAS 214.969/0-1/03/99.

⁶⁵ Ahmadiyya Muslim Jamaat website, www.ahmadiyya.at (accessed 29 February 2012).

provinces have been brought about partly because of asylum-seekers, who are accommodated in a dispersed manner across the country.

The AMJ is not integrated into the IGGÖ, but the leadership of the community emphasises the fact that they do not face any problems with a nearby Sunni mosque.⁶⁶ In general, it seems that this small community has little contact with other Muslims and is more closed than equivalent communities in Germany or Britain. However, it is a missionary movement, and so its members practise *da'wa* for non-Muslims and Muslims alike. In recent years, the AMJ has become more present in public and has tried to proselytise more. For example, it offers German-language lectures, maintains a German-language Facebook page and has an information booth at the largest Austrian book fair, the Buch Wien.⁶⁷ While the majority of its members are refugees, students and small businessmen from Pakistan, it has also converted some non-Muslim Austrians and Sunni Muslims, who are now an integral part of the group. Legally, the AMJ is an association, and so far it has not tried to get state recognition as a religious community.

CONCLUDING REMARKS

Non-Sunni Muslims and faith communities at the edges of Islam are confronted with different demands of 'integration' by the state, within the Muslim community as a whole and by the non-Muslim majority. As we have argued in this chapter, they are double minorities, trying to navigate a complex state policy and system of recognition, a Muslim religious environment dominated by the Sunni majority and currents of Islamophobia in Austrian society. They should not, however, be seen as passive victims of the majorities. They have cultivated a presence through their organisations, through which they not only interact and negotiate with the state but also enter into dialogue with other Muslims and with non-Muslims.

Nevertheless, the demands for, possibilities and limits of 'integration' into the Muslim community of Austria are also shaped by global dynamics. The relative religious proximity of Imami Shi'a and Sunnis and the challenge for Ahmadiyya Muslims and Alawites to 'fit in' reflects the global dominance of a certain definition of Muslimness.⁶⁸ An example can be seen in the Amman

⁶⁶ Interview with Alam.

⁶⁷ Ahmadiyya Muslim Jamaat Österreich, Facebook, www.facebook.com/AhmadiyyaAT (accessed 22 April 2022).

⁶⁸ In terms of theology and law, Sunnis and Twelver Shi'a are much closer to each other than Alevis or Alawites are to Sunnis or Shi'a. This does not mean, however, that they are not politically fuelled again and again by sectarianism owing to the confessionalisation of regional political power claims by Iran, Saudi Arabia and Turkey.

Message of 2004, in which leading Shi‘i, Sunni and Ibadi scholars defined what they consider to be a Muslim:

Whosoever is an adherent to one of the four Sunni schools (*madhāhib*) of Islamic jurisprudence (Hanafi, Maliki, Shafi‘i and Hanbali), the two Shi‘i schools of Islamic jurisprudence (Jafari and Zaydi), the Ibadi school of Islamic jurisprudence and the Thahiri school of Islamic jurisprudence, is a Muslim.⁶⁹

By defining who is a Muslim they also defined who is *not* a Muslim. Heterodox groups, such as the Alawites and the Ahmadiyya Muslims, were not included in the list, nor were they invited to participate in the development of the Message.

The Austrian legal framework, the Islam policy of the state, the recognition system and the privileges associated with that system have also substantially shaped non-Sunni Muslim communities and heterodox faith groups. The main effect is that these groups, among them the Alevis and Alawites, have been pushed to define themselves. Traditions of ambiguity have been subjected to pressure to standardise and forced to define their relationship to Islam. Existing problems with state policy necessarily lead to increased conflict within these communities, as the example of the Alevis showed most clearly. Ambiguities that would be manageable in a non-codified religious tradition have the potential in such a legal context to become open conflict owing to the pressure to fit into a church-like structure with clear religious statements and hierarchies. The situation is complicated as political and religious issues overlap in these disputes. Political conflict, such as the question of whether a community or organisation is close to the Turkish or Iranian government, or ethnic identifications, such as being Kurdish, Turkish, Arab or Iranian, become intermingled with the question of the relationship to (Sunni) Islam.

Until recently, the IGGÖ claimed to represent all Muslims in Austria. In a declaration in February 2011, it explicitly mentioned the four schools of law of Sunni Islam, the Imami Shi‘a, the Zaydis and the Ismail‘is, but no other group, implying their exclusion from the general Muslim community of Austria. This clarification on who constituted the Muslim community came in answer to a ruling by the Austrian Constitutional Court on 1 December 2010, which found the decision of the Kultusamt to accept only one Islamic Community in Austria (the IGGÖ) to be a violation of religious freedom.⁷⁰ The IGGÖ continued for some years to claim to be the official representative of Muslims in Austria, until its claim was challenged by the recognition and registration of other Muslim organisations by the Austrian state. The claim is no longer visible

⁶⁹ ‘The Amman Message’, www.ammanmessage.com (accessed 22 August 2022).

⁷⁰ Entscheidung des Verfassungsgerichtshofs B 1214/09-35, December 2010.

on the IGGÖ's website, which says merely that it is the 'official representation of its members' and represents 'all Muslims who have their centre of life in Austria, regardless of their country of origin, social status, gender or affiliation to an Islamic school of law on an equal footing'.⁷¹ This is at least no longer an explicit claim to sole representation, but it still speaks about 'all Muslims'. Although established experts on Islam in Austria, such as Rüdiger Lohlker and Richard Potz, still saw membership of the IGGÖ as *ex lege* for all Muslims, the director of the Kultusamt, Oliver Henhapel, already held in 2012 that after the Constitutional Court's decision in 2010, the IGGÖ could no longer claim to be the sole representative of all Muslims in Austria.⁷²

Whether or not the Islam Act applies to groups on the fringes of mainstream Islam depends primarily on how they define their relationship to Islam. When the original Act was passed, in 1912, groups on the fringes of Islam did not exist in Austria. As far as the Austrian state was concerned, the question of who is Muslim and who is not, what belongs to Islam and what does not, was easier to answer than it is today. Now, however, a separate legal path for Muslims in the form of the Islam Act and the complexities of the legal recognition system enforce a clear demarcation between Islamic and non-Islamic faiths. In particular, this forces popular religious currents with a high degree of ambiguity and flexibility to define themselves, and thus inevitably turns them into more rigidly defined religious communities.

It is possible that some religious communities, such as the Yarsan or the Druze, which are represented in Austria only by very small groups, will succeed in positioning themselves jointly in this regard. For larger groups, such as the Alevis, the pressure to formalise has inevitably led to division and intense internal conflict. Legal recognition continues to be a problem for these double minorities, but it is after all only one field of struggle among many, and perhaps not even the most important. They have to find a new place in a non-Muslim society that treats them differently from their countries of origin. While many suffered discrimination as supposed heretics in their home countries, many now suffer the same in Austria as supposed Muslim immigrants. Nevertheless, as this chapter outlines, they have organised in various forms, and some have already pushed the boundaries of the legal system to be recognised as religious communities. Through their organisations and activities, many pursue an active approach of creating a public presence for themselves, interacting with other Muslims and with non-Muslims. Their future position in a religiously pluralist post-migration society will depend not only on the attitudes of the majorities,

⁷¹ 'IGGÖ – Die Islamische Glaubensgemeinschaft in Österreich', www.derislam.at/iggoe (accessed 26 June 2023).

⁷² Heine, Lohlker and Potz 2012: 60; interview with Oliver Henhapel, 9 February 2012.

but also on the types of relation they will form with those majorities, as well as their strategies to deal with them.

BIBLIOGRAPHY

- Ahmad, Sheikh Nasir (1993), *Ahmadiyya: Eine Bewegung des Islam*, Frankfurt am Main: Verlag der Islam.
- Arslan, Zeynep (2016), *Eine religiöse Ethnie mit Multi-Identitäten: Die europäisch-anatolischen Alevit_Innen auf dem Weg zur Institutionalisierung ihres Glaubenssystems*, Vienna: LIT.
- Balance, Fabrice (2006), *La Région alaouite et le pouvoir syrien*, Paris: Les Éditions Karthala.
- Cakir, Alev (2011), 'Governance religiöser Diversität in Österreich: Anerkennungspolitik am Beispiel der Islamischen Alevitischen Glaubensgemeinschaft', Master's thesis, University of Vienna.
- Daftary, Farhad (2012), *Historical Dictionary of the Ismailis*, Lanham, Toronto and Plymouth: Scarecrow Press.
- Douwes, Dick (2011), 'Modern History of Nizari Ismailis of Syria', in *A Modern History of the Ismailis*, ed. Farhad Daftary, London: I. B. Tauris, pp. 19–43.
- George, Alan (2003), *Syria: Neither Bread nor Freedom*, London and New York: Zed Books.
- Hanoğlu, Hayal (2017), 'An Introduction to Alevims: Roots and Practices', in *Alevis in Europe: Voices of Migration, Culture and Identity*, ed. Tözün Issa, Abingdon and New York: Routledge, pp. 13–25.
- Heine, Susanne, Rüdiger Lohlker and Richard Potz (2012), *Muslime in Österreich. Geschichte, Lebenswelt, Religion. Grundlagen für den Dialog*, Innsbruck: Tyrolia.
- Issa, Tözün, and Emil Atbaş (2017), 'Alevi Communities in Europe: Constructions of Identity and Integration', in *Alevis in Europe: Voices of Migration, Culture and Identity*, ed. Tözün Issa, Abingdon and New York: Routledge, pp. 189–204.
- Marik-Lebek, Stephan (2010), 'Die muslimische Bevölkerung Österreichs: Bestand und Veränderung 2001–2009' (The Muslim Population of Austria: State and Changes 2001–9), in *Islam in Österreich*, ed. Alexander Jane and Mathias Vogl, Vienna: Integrationsfonds, pp. 5–9.
- Marschalek, Markus (2022), "Frei-Aleviten" als Bekenntnisgemeinschaft anerkannt', 22 April 2022, ORF, <https://religion.orf.at/stories/3212693>.
- Mohr, Irka-Christin (2006), *Islamischer Religionsunterricht in Europa: Lehrtexte als Instrumente muslimischer Selbstverortung im Vergleich*, Bielefeld: Transcript.
- Rill, Gerhard (1993), *Fürst und Hof in Österreich: Von den habsburgischen Teilungsverträgen bis zur Schlacht von Mohács (1521/22 bis 1526)*, Vienna, Cologne and Weimar: Böhlau.
- Schmidinger, Thomas, and Alev Çakir (2014), 'Austria', in *Yearbook of Muslims in Europe*, Volume 6, ed. Jørgen Nielsen et al., Leiden: Brill.
- , and Dunja Larise (eds) (2008), *Zwischen Gottesstaat und Demokratie: Handbuch des politischen Islam*, Vienna: Deuticke.
- Şimşek, Hüseyin (2017), *50 Jahre Migration aus der Türkei nach Österreich*, Vienna: LIT.
- Sökefeld, Martin (2008a), 'Einleitung: Aleviten in Deutschland: Von takiye zur alevitischen Bewegung', in *Aleviten in Deutschland: Identitätsprozesse einer Religionsgemeinschaft in der Diaspora*, Bielefeld: Transcript, pp. 7–36.

- (2008b), 'Sind Aleviten Muslime? Die alevitische Debatte über das Verhältnis von Alevitentum und Islam in Deutschland', in *Aleviten in Deutschland: Identitätsprozesse einer Religionsgemeinschaft in der Diaspora*, Bielefeld: Transcript, pp. 195–218.
- Sträheli, Martin (2001), *Die syrische Aussenpolitik unter Hafez Assad: Balanceakte im globalen Umbruch*, Stuttgart: Franz Steiner.
- Uçar, Metin (2017), 'Migration and the Invention of Tradition: A Social-political Perspective on Euro-Alevis', in *Alevis in Europe: Voices of Migration, Culture and Identity*, ed. Tözün Issa, Abingdon and New York: Routledge, pp. 131–44.
- Valentine, Simon Ross (2008), *Islam and the Ahmediyya jama`at: History, Belief, Practice*, New York: Columbia University Press.

*Islamic Communities in Yugoslav Countries:
From their Formation in the Nineteenth Century
to the Dissolution of Yugoslavia*

DUNJA LARISE

INTRODUCTION: DETACHMENT FROM ISTANBUL – MUSLIM COMMUNITIES
AFTER THE OTTOMANS

Islam was the official religion in the Ottoman empire, and hence also in those parts of the West Balkans that were under Ottoman rule. Decisions regarding religion and the regulation of religious practices had been made in Istanbul under the auspices of the highest religious-cum-secular authority, the sultan of the empire, who also claimed the title of caliph. The most important religious authority after the sultan, and the person holding *de facto* power over Islamic religious matters in the empire, was the mufti of Istanbul, with the title sheikh *ül-Islam* (Arabic *shaykh al-Islam*), also known as the Mešihat in Bosnia. The mufti was the caliph's representative in questions of Islamic law – the Sharia.

The institution of sheikh *ül-Islam* was adopted under Mehmet II in the fifteenth century and gradually evolved to mean a head of the learned. As such, the sheikh *ül-Islam* wielded the power of the administration of justice, religious counselling and educational services. The position began to lose its prerogatives with the secular reforms after the Edict of *Gülhane* in 1839. Nevertheless, by the time of the Treaty of Berlin in 1878, this institution still had significant power in justice and education, and control over religious affairs and institutions in the Ottoman empire.¹

During the nineteenth century, the Ottoman empire lost its West Balkan dominions. Serbia fought for independence in the First and Second Serbian Uprisings, of 1804 and 1815, respectively. Each gave birth to one of the

¹ Kramers 2012. See also Repp 1986.

consecutive Serbian dynasties: the Karađorđević and the Obrenović. The success of these two uprisings instituted the Principality of Serbia in 1817, which achieved *de facto* independence from the Ottoman empire in 1867, when the last Turkish garrison left the capital, Belgrade. The Principality of Serbia officially recognised the freedom to profess the Islamic faith in 1868, and after the Treaty of Berlin (by which the principality also gained recognition by the Great Powers) an official Islamic Community (IC) was established, led by a mufti based in the southern city of Niš. The supreme head and imams were paid from the state budget, and general supervision of all operations of the IC was undertaken by the church department of the Ministry of Education. Unlike the Austrian empire in neighbouring Bosnia Herzegovina, however, Serbia did not seek to create its own, separate Islamic religious institutions. It recognised the authority of Istanbul in religious matters connected to Islam, but it also wanted to establish control over them as a sovereign state. As a young state, the main impetus of the Serbian principality was to prove its political authority, rather than create new Islamic institutions. Austria, on the other hand, as an empire, had much more ambitious goals.

Austria–Hungary gained Bosnia Herzegovina as a protectorate under the same Treaty of Berlin. That meant that Bosnia Herzegovina was still officially an Ottoman territory, but under Austrian administration. Over the next few years Austria established new Islamic religious institutions in Bosnia Herzegovina that were independent of the Sublime Porte in Istanbul. These were the Rijaset, the Supreme Assembly of the Islamic Community in Bosnia Herzegovina and the Reis-ul-Ulema, the office established by Austria to serve as the head of the IC in Bosnia. Equality of Islam with other religions in Croatia and Slovenia, then also under Austro-Hungarian rule, was recognised later. In Slovenia and Dalmatia (then part of Cisleithania within the Dual Monarchy), the Austrian Islam Act was passed on 15 July 1912, and in Croatia and Slavonia it was passed during the First World War, on 7 March 1916.² In Montenegro, the provisions of the St Nicholas Constitution of 19 December 1905 recognised the equality of Islam with other faiths. The General Directorate of Sharia, headed by the Grand Mufti, whose headquarters were in Stari Bar and then in Podgorica, was formed shortly after the Balkan Wars (1912–13). Kosovo and North Macedonia remained part of the Ottoman empire until the end of the Balkan Wars. Their religious institutions remained under the direct authority of the Ottoman state for longer, a circumstance that

² Cisleithania, officially ‘The Kingdoms and Lands Represented in the Imperial Council’, included most of present-day Austria and the Polish, Czech, Ukrainian, Slovenian and Italian parts of the Dual Monarchy created in the Compromise of 1867 – as distinguished from Transleithania (officially ‘The Hungarian Lands of the Crown of St Stephen’). The Croatian-speaking territories belonged partly to Cisleithania and partly to Transleithania.

also implied hierarchical subordination to the central spiritual institutions in Istanbul.

In this chapter I argue that the two Islamic offices installed in Bosnia Herzegovina during the Habsburg rule, the Reis-ul-Ulema and the Rijaset, remained the most conspicuous legacy of the Austrian juristic regulation of Islam and the IC in the Yugoslavian successor states to the Austro-Hungarian empire: the Kingdom of Serbs, Croats and Slovenians (SCS; renamed the Kingdom of Yugoslavia in 1929) and the Socialist Federal Republic of Yugoslavia (1943–91; hereafter SFRY or Yugoslavia). As also outlined in the chapters on post-Yugoslav states in this volume, most of the present controversies and debates over the legitimacy of official Islamic Communities in the region still revolve around these two institutions, whose fundamentals were laid over the course of the three decades that preceded the Islam Act of 1912, from 1880 onwards. During this period, several Austrian legal decrees and decisions concerning the IC in Bosnia Herzegovina were issued.

This chapter focuses on the evolution of the Muslim organisational structures in the territories that were part of the SFRY between 1880 and 1991. The aim is to show how the interaction between the Austrian and Serbian regulation of Muslim affairs affected that regulation in both Yugoslav kingdoms and beyond, and to point out the connections between the process of the nation-building of Muslims and the evolution of the structures of the IC in Yugoslavia. This historical introduction will offer a contextual frame for a better understanding of the existing organisations and current events elaborated on in the chapters on post-Yugoslav nation-states.

AUSTRIAN, SERBIAN AND MONTENEGRIN LANDS UP TO 1919

Two years after the Treaty of Berlin transferred the administration of Bosnia Herzegovina to the Austro-Hungarian empire, the necessity of regulating Islamic affairs in the newly acquired territories became apparent. Austria endeavoured to cut off Bosnian Muslims from the centuries-long tradition of Istanbul-centred regulation of the Islamic faith, which symbolically united all Islamic believers as the subjects of the sultan-cum-caliph of the Ottoman empire, and to create 'loyal' Muslim subjects in Bosnia Herzegovina. To achieve this, it was necessary to develop new Muslim religious institutions, autonomous from Ottoman control.

In 1879, Count Gyula Andrásy, foreign minister of Austria-Hungary, wrote an instruction sheet to the Joint Ministry of Finance and the Provincial Government in Bosnia Herzegovina, saying that it would be a great desire of Austria to separate Bosnian Muslims from the Constantinople Mešihat, but emphasising that it should happen voluntarily, in order to avoid

schism.³ Tension between Vienna and Istanbul over issues of religious supervision arose almost immediately, prompted by the appointment in 1880 of the new mufti of Bosnia. The sheikh ül-Islam from Istanbul appointed a Turk, Ahmet Şükrü Efendi, the mufti in Sarajevo, but Austria rejected the decision, urging the appointment of a Bosnian Muslim instead. Austria referred to the Tunisian practice whereby the local sultan, and not the Sublime Porte, appointed religious officials.⁴ Dissatisfied with the stalemate, Bosnian Muslim notables sent a memo to Baron Karl Kraus, President of the Reichsgericht (Imperial Court of Law), in 1881, containing fourteen suggestions as to how to solve the problem. The third was the entreaty to create their own Muslim community and endow it with a supreme religious leader, the Reis-ul-Ulema, and his council.⁵

Finally, on 24 March 1882, the Porte appointed the incumbent mufti of Sarajevo, Mustafa Hilmi-ef. Omerović (a Bosnian), mufti of Bosnia. The Porte sent its decision to the mufti himself and to the regional government. The Austrian administration promptly appointed Omerović as the first Reis-ul-Ulema for Bosnia Herzegovina, on 17 October 1882, thereby also creating a new leadership for Bosnian Muslims as suggested by the Bosnian notables. Shortly after appointing Omerović Reis-ul-Ulema, the Austrian authorities appointed four additional members to his office, in effect creating the institution of the Rijaset.⁶ New muftis were appointed in 1883 in Bihac, Mostar, Banja Luka, Dobož and Tuzla, as well. Each was paid a salary of 1,200 Kronen by the regional government.⁷ The Bosnian Muslim notables, however, were dissatisfied with the fact that the Austrian institutions had appointed Islamic officials to the IC. Therefore, they organised protests under the leadership of the mufti of Herzegovina, Ali Fehmi Džabić, in 1889, pressing for autonomy.⁸

With the decree of 15 May 1909, the Austrian authorities finally issued a legal Act (*Autonomiestatut*) that ratified the autonomy of Islamic religious institutions and charity organisations in Bosnia Herzegovina. This Act was supplemented by the official recognition of the Hanafi school of Sunni Islam in the Islam Act of 1912. The first Reis-ul-Ulema to be elected autonomously following the Islam Act was Mehmed Đemaludin Čaušević, in 1913.⁹

³ Osman 1996.

⁴ Ibid., 15.

⁵ Ibid.

⁶ Ibid.

⁷ The average income per capita in Austria–Hungary was between 325 Kronen in Dalmatia, Slovenia and Bukovina and 700 in Austria: 'Volkseinkommen pro Kopf im Westen Österreich-Ungarns im Jahr 1911', Statistica, 14 September 1993, <https://de.statista.com/statistik/daten/studie/1203372/umfrage/volkseinkommen-pro-kopf-im-westen-oesterreich-ungarns>.

⁸ Nakičević 1996: 17.

⁹ Donia 1981.

The end of the Austro-Hungarian empire brought a significant shift for the IC in Bosnia Herzegovina. In the words of the Bosnian Islamic historian Amir Duranović,

The duality of affairs within the organisational structure was accompanied by the dual origin of the officials who managed these affairs, so the whole history of the Islamic community is marked by the active participation of Ulema and lay staff in community management, and very often, there was a struggle for supremacy between these two currents. The Islamic community, with such an organisational structure, experienced the end of the empire that founded it, and in the new circumstances, after the end of the First World War and the formation of the Kingdom of Serbs, Croats and Slovenians, found itself in a new state and legal framework and [encountering] new challenges.¹⁰

In other words, the IC in Bosnia Herzegovina under Austrian rule had to learn how to deal with a secular or semi-secular state. This was a novelty for the Bosnian ulema (Islamic clergy), who were used to the Ottoman rules that had dominated their religious organisation for centuries.

Unlike in Bosnia Herzegovina, Serbian and Montenegrin rulers did not have the ambition to separate the professing of the Islamic faith from the authority in Istanbul, but they did have an ambition to bring Islamic religious affairs under state control. Under Turkish rule, Serbia was home to a significant Muslim population. As Turkish authority began to fade in the middle of the nineteenth century, a wave of Muslim emigration gained momentum that would last for the rest of the century and continue into the first part of the twentieth. According to the explorer Evliya Çelebi, Belgrade was home to seventeen *tekkes* (Sufi shrines) in 1660, when he visited the city. In 1863, at least four remained, the most important of which was immortalised in a photograph dated 1866. According to an Austrian map of Belgrade, in 1789 one of the main streets carried the name *Derwisch Gasse* (Dervish Lane; it is now Višnjić Street).¹¹

The end of the Balkan Wars in 1913 extended Serbian territory to North Macedonia and Kosovo, both of which were home to significant Muslim populations. Before the early twentieth century, Serbian territory had corresponded roughly to the narrower Serbia of the SFRY, without the provinces of Sandžak, Vojvodina and Kosovo. The Treaty of Berlin in 1878, which transferred Bosnia Herzegovina to the Austrian administration, allowed Austria to establish military garrisons in Sandžak, which had been an administrative part of Bosnia Herzegovina within the Ottoman empire. In 1912, Sandžak was invaded by

¹⁰ Duranović 2021: 36.

¹¹ Vukomanović 2007: 83.

Serbia and Montenegro and divided between the two states. It was occupied briefly by Austria during the First World War and in 1919 was integrated into the newly established Kingdom of Serbs, Croats and Slovenians. After the dissolution of the SFRY, Yugoslavian Sandžak remained divided between Serbia and Montenegro, according to the border lines negotiated between the two countries in 1913.¹²

The first Serbian Act recognising Islam was the Law of the Lands Belonging to Islamic Communities (*Zakon o vakufskim zemljama*) in 1863. Five years later, on 18 May 1868, the Serbian Duke Milan Obrenović issued the Act of the Recognition of Freedom of Practice for Islamic Religion in Serbia. For some historians, this Act marks the moment of the *de facto* establishment of an Islamic Community in Serbia.¹³ The fact that Serbia recognised Islam as one of the official churches and hence had an instituted Islamic Community before 1919 (when the Kingdom of SCS was established) remained important for the subsequent development of institutionalised Islam in both the Kingdom of SCS and the later Kingdom of Yugoslavia, since it led to occasional rivalry between the Islamic Communities in Serbia and in Bosnia Herzegovina for the role of the central and most important Islamic Community in Yugoslavia.

The law of 3 January 1878 shortly before the Treaty of Berlin confirmed the right of citizens of the Islamic faith and every other faith recognised by law to perform rituals freely. The seat of the mufti was established in Niš, and there were imams in Belgrade, Šabac, Loznica, Prokuplje, Mali Zvornik, Niš, Leskovac, Sijarina and Vranje. The Treaty of Berlin established international recognition for Serbia. The first democratic constitution of the Principality of Serbia (*Namesnički ustav*, 1869), which remained valid in the Kingdom of Serbia (from 1882), established the Orthodox Church as the state religion and banned proselytising against it.¹⁴ Islam was recognised by law but was not equal to Orthodox Christianity. All religious communities were set under the supervision of the Minister of Church Affairs.

With the Treaty of Bucharest (10 August 1913), Serbia gained North Macedonia, Kosovo and a part of Sandžak, and thus half a million Muslims came newly under Serbian rule. On 18 August 1913, the Kingdom of Serbia issued a decree on the regulation of the newly 'liberated' areas, stipulating that all citizens were equal before the law. The Orthodox Church remained the state religion, according to the constitution of 1869, which was still valid. Additional regulation on the position of Muslims in the Kingdom of Serbia was issued in

¹² Pilar 1918.

¹³ Potežica 2007.

¹⁴ The exact wording of the constitution is '*istočno pravoslavna vera*', literally 'Eastern Orthodox religion'; *Ustav Kneževine Srbije – Namesnički ustav* (Constitution of the Principality of Serbia from 1869), www.salter.rs/zakoni/ustavi/ustav-srbije-od-1869-godine-namesnicki-ustav (accessed August 2024).

Articles 7 and 8 of the Istanbul Agreement between Serbia and the Ottoman empire on 1 March 1914, which established that family and inheritance law would be based on Sharia law. This agreement ceased to be valid shortly after the beginning of the First World War, on 26 December 1914.¹⁵

Montenegro followed a similar trajectory to that of Serbia. In 1878, following the Treaty of Berlin, the Montenegrin king, Nicola Petrović, issued a decree establishing the first mufti of Montenegro, Saleh ef. Huli of Ulcinj, who was authorised by the sheikh ül-Islam in Istanbul. Islamic affairs in Montenegro were regulated in Article 129, §3 of the St Nicholas Constitution of 19 December 1905, which made the mufti of Podgorica the supreme Muslim authority in Montenegro and a permanent member of the Montenegrin Parliament.

As in Serbia, Islam became a recognised religion but was not equal to the Orthodox Church, which was the state religion. The state retained the supervision of religious communities, although those communities had a high degree of autonomy. The constitution allowed Muslims to maintain ties with Islamic centres abroad. A special agreement was reached with the Ottoman empire on the election of a mufti, who would have to have a seat in the National Assembly. At the suggestion of the mufti, qadis (Islamic judges; Turkish *kadı*) were appointed in Bar, Ulcinj and Podgorica. Mufti Mustafa Hilmi Tikvesi emigrated to the Ottoman empire in 1908, and his successor, Murtez Karađuzović, remained in post until 12 September 1919, when his office was abolished.

Slovenia and Croatia (the latter with its two provinces, Slavonia and Dalmatia), although part of the Austro-Hungarian empire, were regulated by different laws from those governing Bosnia Herzegovina under Austrian rule. In Slovenia and Dalmatia, Islam was recognised on 15 July 1912. In Slavonia, Islam was recognised as an equal religion on 7 March 1916. However, unlike in Bosnia, the Muslims of these regions were not allowed to establish Sharia courts to settle their family and hereditary disputes.

After the establishment of the Kingdom of Serbs, Croats and Slovenians following the end of the First World War, the Islamic Communities maintained the position and organisation they had had in the kingdoms and provinces of which they had previously been part. The Austro-Hungarian Statute of 1909 was valid for Bosnia Herzegovina, Croatia and Slovenia. The seat of the Reis-ul-Ulema and Rijaset was in Sarajevo. Muslims in Serbia, Macedonia and Montenegro were under the jurisdiction of the Grand Mufti, whose office was moved to Belgrade from Niš. The Reis-ul-Ulema and the Grand Mufti acted for their geographic areas and within special regulations, so that there were no intertwining competencies or disputes over jurisdiction. The problems arose

¹⁵ Novaković 2015: 16.

with legislation aiming at creating a unified Islamic Community for the entire state under King Aleksandar Karađorđević (king of Yugoslavia 1921–34).

THE KINGDOM OF SERBS, CROATS AND SLOVENIANS (1918–29)
AND THE KINGDOM OF YUGOSLAVIA (1929–41)

When the new Kingdom of SCS was established in 1918, it inherited two big centres of Islamic administration: one in Sarajevo, with the office of the Reis-ul-Ulema, and the other in Belgrade, with the office of the grand mufti. The first Act, which to some extent regulated the legal position of Muslims in the new state, was the Provisional Law of 10 May 1920, part of the treaty between the Allied Powers and the Kingdom of SCS, signed in Saint-Germain, Paris, on 10 September 1919. On the same occasion, the newly established Kingdom of SCS made a separate peace agreement with Austria, a deal that obliged it to assume responsibility for Muslims living in its newly acquired territories (Article 10).¹⁶ This responsibility included three central issues. First, the family affairs and personal status of Muslims were to be defined and regulated according to Muslim tradition. Second, the Austrian government was obliged to protect existing Muslim places of prayer (mosques, masjids and so on) and endowments, and to assist in the foundation of new institutions of this kind. Finally, the government had to appoint a new Reis-ul-Ulema for the entire country. It was through this agreement that the pivotal institutions of the Austrian governance of Islam and Muslims that had been established for Bosnia Herzegovina became the basis for regulating Islamic affairs in the new Kingdom of SCS, attesting to the institutional and legal continuity of the Habsburg Islam policy. The agreement was incorporated into the new state's constitution, the so-called Vidovdan Constitution, on 28 June 1921. Provisional legislation had been passed on 12 September 1919, entrusting the supervision of endowments and the central endowment fund for Serbia and Montenegro to the Ministry of Religion of the new kingdom. As a result, the grand mufti in Belgrade also became the religious head of the Montenegrin Muslims.¹⁷ Bosnia Herzegovina was excluded from this Act, since it had its own centre of Islamic affairs under the Reis-ul-Ulema in Sarajevo.

The Vidovdan Constitution introduced legislation concerning the relationship between the state and religious communities. The latter were given special status and special privileges, including the authority to perform some public-law affairs on behalf of the state, such as keeping records of births, marriages and

¹⁶ See www.encyclopedia.com/history/modern-europe/treaties-and-alliances/treaty-saint-germain.

¹⁷ *Službene novine* 12/9 (1919), p. 4.

deaths within their community.¹⁸ The religious communities were divided into 'inherited' and 'recognised', referring, respectively, to the communities of the 'traditional religions' long present in the country and to the religious communities that had arrived more recently. Islam (along with the Catholic Church, the Orthodox Church and the Jewish community) was recognised as an inherited religion.¹⁹ The Vidovdan Constitution abolished the state religion in the form it was given in the Kingdom of Serbia and Montenegro. Furthermore, adherence to any religion or confession was not to hinder civil and political rights, access to public services, the bestowal of titles and honours, or the performance of various occupations. Religious minorities had the right to build their own charities, religious and social institutions, schools and other educational institutions, and to use their own language in them, as well as to organise the administration and control of those institutions.

The Vidovdan Constitution was drafted by a coalition of the Serbian Radical Party, the party of Prime Minister Nikola Pašić, and the Democratic Party of Serbia. However, it would not have reached the necessary majority without the support of the Yugoslav Muslim Organization (YMO), which obtained the majority vote in Bosnia Herzegovina. The YMO was founded in 1922 by Ibrahim Maglajlić (the mufti of Tuzla) and the Sarajevo lawyer Mehmed Spaho. The latter studied law in Vienna before the First World War, on an Austrian scholarship. Austria attempted to create loyal Bosniak elites for the administration of Bosnia, producing as a consequence a generation of highly educated men, all from families of good standing in Bosnia, who would later spearhead the political articulation of Bosniak national interests in the Kingdom of Yugoslavia.²⁰

Both Maglajlić and Spaho supported the Vidovdan Constitution, although their backing rested on the inclusion of Article 135, which guaranteed the future administration of Bosnia Herzegovina within the Kingdom of SCS.²¹ The constitution also acknowledged the juristic authority of Sharia courts over Muslims living in the Kingdom, notwithstanding the fact that such courts were non-existent outside Bosnia and Sandžak.

The factual non-existence of Sharia courts outside Bosnia and Sandžak structurally limited the powers of the newly appointed Reis-ul-Ulema. Pašić's new government appointed Džemaludin Čaušević, who had been the Reis-ul-Ulema of Bosnia Herzegovina since 1913, when it was still part of the Austrian empire. Now, as Reis-ul-Ulema for the entire country, his authority was extended to implementing Sharia law over Muslims in other regions of the Kingdom as well, namely Serbia, Montenegro and Macedonia. By making the Bosnian

¹⁸ Stefanović 1953: 101.

¹⁹ Vidovdan Constitution, Article 12, Act 3.

²⁰ Dautović 2019: 1–19.

²¹ Petranović 1988.

Reis-ul-Ulema the new Reis-ul-Ulema of Yugoslavia, the Islamic structures created by Austria–Hungary for Bosnia were, in a sense, set over the existing Islamic structures in Serbia and Montenegro. This does not mean that the Islam Act was adopted in Yugoslavia, but structurally there was a takeover of the Serbian (and thus also the Kosovar and Macedonian) and Montenegrin Islamic structures by those created by the Habsburgs in Bosnia.

At the time there were no significant Muslim populations in Croatia and Slovenia. Such populations were built during the course of internal migration within the SFRY after 1945. These other regions, which were also in effect the Reis-ul-Ulema's own office, were under the jurisdiction of the newly established Ministry of Religion and accordingly under the jurisdiction of the chief of the Islam Office at the Ministry of Religion, Hasan Rebac.

Between 1929 and 1935, the semi-autonomous position of Islamic Communities in the Kingdom worsened significantly. In Yugoslavia, this period has come to be known as 'the January the 6th dictatorship', during which King Aleksandar abolished the Vidovdan Constitution and introduced his own autocratic rule, renaming the state the Kingdom of Yugoslavia. He introduced a new constitution, the so-called Imposed Constitution, on 31 September 1931. The January 6th dictatorship introduced some changes in the regulation of Muslim affairs in the Kingdom. Religious affairs came under the auspices of the Ministry of Justice, the autonomy of the IC in Bosnia over its own affairs was abolished and the institution of the Reis-ul-Ulema was transferred to Belgrade. Reis Čaušević objected and was promptly sent into retirement in 1930. In the presence of King Aleksandar and the diplomatic assembly in Belgrade, Maglajlić was appointed the new Reis-ul-Ulema. With the 'Imposed Constitution', every kind of 'political agitation' within the religious institutions incurred a penalty.

Proclaiming the principle of national unity and the unity of the state, the new regime sought to achieve its goals by gathering support from religious communities. For Muslims, this meant unification under a single national institution in the regime's attempt to weaken the influence of Spaho and YMO among Muslims in Yugoslavia. The first law that referred to the IC, which hinted at the creation of a single organisation for the whole territory of the Kingdom, was the Law on the Organisation of Sharia Courts and Sharia Judges, passed on 31 March 1929. Two supreme Sharia courts were established, in Sarajevo and Skopje. Sharia courts held jurisdiction over matrimonial matters, the rights and duties between parents and children, the division of inheritance between Muslims, the proclamation of deceased Muslims, and all disputes concerning the status of *waqf* (Turkish *vakıf*; Bosnian *vakuf*) estates. In addition, state Sharia judges had the authority to pronounce judgments in the name of the king.

The actual unification of all Muslim communities came with the establishment of the IC of the Kingdom of Yugoslavia on 31 January 1930, with the

Law on the Islamic Religious Community. The Law stipulated that the Reis-ul-Ulema would be head of the IC, as supreme religious leader. The community was further to profess and teach its religion publicly, to perform religious rites freely and to regulate religious-educational and endowment affairs independently. Furthermore, the community was free to dispose of and manage property under the supreme supervision of the state. The seat of the Reis-ul-Ulema was in Belgrade, and the Austro-Hungarian Statute of 1909 ceased to be valid in Bosnia Herzegovina, Croatia and Slovenia. It was an attempt to overwrite the old Austrian structures with new structures imposed by Serbia, the dominant power in the new Kingdom of Yugoslavia.

In 1935, elections ended the dictatorship and enabled the restoration of Islamic religious authority to Sarajevo. Spaho entered the government of Prime Minister Milan Stojadinović as Minister of Transport and Communications. He made a strong case for abrogating all reforms made under the dictatorship, most of which concerned the office of the Reis-ul-Ulema. At his insistence, the institution of the Reis-ul-Ulema was transferred back to Sarajevo, and in 1936 the incumbent, Reis Maglajlić, now Spaho's political detractor, was sent into retirement. On 26 April 1938, Fehim Spaho (Mehmed Spaho's brother) was appointed the new Reis-ul-Ulema for the Kingdom of Yugoslavia, with his seat in Sarajevo, and Salih Safvet Bašić was made head of the Office for Islamic Affairs in Belgrade. With new leadership in place, the autonomy of the IC was strengthened. Fehim Spaho enacted the new constitution for the Islamic Community of Yugoslavia, which deprived ulema of the right to decide on matters of its *waqf* possessions and thus became known among his detractors as a 'secular constitution'.²²

However, the Second World War and the establishment of satellite fascist states in Serbia and Croatia changed this settlement radically, above all in Serbia. The satellite government in Serbia under Milan Nedić harboured strong anti-Muslim sentiment and favoured a religiously homogeneous, Orthodox Serbia. This applied especially to the fascist 'Četnik' troops of Dragoljub Draža' Mihajlović, who followed the political programme of the ethnically and religiously 'clean' Orthodox Serbia and committed widespread ethnic cleansing and atrocities against Muslims.

The Croatian fascist satellite state – the so-called Independent State of Croatia established by the Axis powers on 10 April 1941, which covered present-day Croatia and Bosnia Herzegovina – took a different route, for it was founded on the idea of coexisting ethnic identities of Muslims and Croats.²³ Therefore,

²² Nakičević 1996: 34.

²³ The ISC did not officially push to convert Muslims to Catholicism, as was the case with Orthodox Serbs, who were forcefully Catholicised during that time. Since there was no Bosniak nation in the 1940s (Muslim nation-building in Yugoslavia began later), the Croat elites considered Muslims to

it regarded itself as one Croat nation with two religions: Islam and Catholicism. In this vein, the Muslims in this 'Ustaša' state were called 'Islamic Croats', reflecting an effort to assimilate Muslims into a Croat nation. This allowed the continuation of the IC of Yugoslavia unhindered within the Croat fascist state. It opened up the possibility for Muslims to continue to organise themselves as such in religious terms, as long as they professed Croatianism in national terms (i.e. as 'Muslim Croats'). The Islamic institutions of the region were thus able to survive by adapting to the requirements of the fascist state.

Old rivalries within the IC re-emerged after the establishment of the Independent State of Croatia. Hakija Hođić, Fehim Spaho's detractor from the time of the 'secular constitution', endeavoured to take advantage of the new situation. On 7 August 1941, Hođić, the politician Ademaga Mešić and the president of the Ilim 'El-Hidaje' wrote to Ante Pavelić, head of the newly proclaimed state, asking him to remove Fehim Spaho from the office of the Reis-ul-Ulema and install one of them instead. Pavelić did not respond favourably. The petitioners were blocked by Džafer Kulenović, who was formerly high up in the YMO and who had joined Pavelić's government. Fehim Spaho died on 13 February 1942, but no new Reis was elected until after the end of the war. The deputy Salih Safvet Bašić filled the position temporarily, remaining interim head of the IC until 1947. He turned out to be a determined leader who did not allow the community he led to be dragged into the Ustaša regime's war against the partisan People's Liberation Front (PLF). He refused to sign Pavelić's *epistula* against the PLF.²⁴

THE ISLAMIC COMMUNITY OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

The first Supreme *Waqf* Council (*Vakufski sabor*) of the IC in the newly established socialist Yugoslavia took place on 26 August 1947 in Sarajevo. The council passed a new constitution the same day and elected a new Reis-ul-Ulema, Ibrahim ef. Fejić. On 9 December, the ceremony of handing over the *Menšura*, a document authorising local Muslim leaders, took place in Gazi Husref-beg Mosque in Sarajevo, instead of in the Emperor's Mosque, as had been the protocol previously. This constitution was amended in 1949, 1950 and 1955. Altogether there were four constitutions of the IC of SFRY, adopted in 1947, 1959, 1969 and 1990.

be Croats of Islamic faith, and many Muslims accepted that. The idea of an independent nation of Bosnian Muslims gained expression with Communism and the Communist Party of Yugoslavia. Its Muslim members took the first steps towards nation-building, although their official recognition as a nation within Yugoslavia had to wait until the country's 1974 constitution. See Larise 2015.

²⁴ Nakičević 1996: 37.

The first constitution, in 1947, determined that all Muslim believers in the Federal People's Republic of Yugoslavia (later SFRY) constitute a single Islamic Community whose primary goal is to sustain and develop religious life among Muslims, profess Islam publicly and administer its affairs and possessions autonomously. The members of the Supreme *Waqf* Council Board were Dr Zaim Šarac (Federal Minister of Post), Mehmed Hodža (Minister of Mining in the People's Republic of Serbia), Osman Miftari (Judge of the Supreme Court of Macedonia), Fazlija Alikalfić (Dean of the Agricultural/Forestry Faculty in Sarajevo) and Mustafa Kamarić (Chief of Legislature and Law Enforcement of the People's Government of the People's Republic of Bosnia Herzegovina).²⁵ The council's responsibilities included making decisions about the organisation of work within the Islamic institutions, the building and renewal of mosques and the administration of religious schools and budgets.

The Supreme Islam Presidency, a new body established with the 1947 constitution, represented the unity of all IC members in the Federal People's Republic of Yugoslavia, consisting of the Reis-ul-Ulema and one member of each region's *Waqf* Council. Its duties were to set the main directions of religious life for Muslims, including interpreting Sharia law, resolving conflict with authority, setting the syllabus for religious schools and deciding complaints. Its seat was in Sarajevo. A new council of ulema, the Ulema Medžlis, was also established as the main office for religious and religious-educational affairs. It consisted of three or four members elected by the respective *Waqf* Council.²⁶ The basic unit of the organisation of the IC was *Džemat Imam*.²⁷

In theory, the new, strongly secular state of socialist Yugoslavia granted religious communities autonomy in their religious affairs. Still, it did not tolerate any religious interference or opposition to the secularisation of society and the decidedly secular policies of the state. One example of this was the way in which the new Reis-ul-Ulema, Fejić, had to prove his allegiance to the secular aspiration of the new regime, as early as through his first address to Muslims during his inauguration ceremony at Gazi Husref-beg Mosque on 12 September 1947.

The new government had asked the IC and the new Reis-ul-Ulema to support the ban of the veiling of Muslim women. The Women's Antifascist Front, in particular, exerted strong pressure in favour of such a ban. At its session held on 26–27 August 1947, the Supreme *Waqf* Council supported the Women's Antifascist Front's initiative under pressure from political authorities. The authorities expected the same support from Fejić. In his inaugural address, Fejić said he viewed this 'painful issue' in the context of the struggle for equality of

²⁵ Messenger of the SIP, 1950 (unpublished document, Arhiv Srbije, Beograd).

²⁶ Archiv Srbije, Belgrade, file no. G-27.

²⁷ Novaković 2007: 67–86.

Muslim women, welcoming the commitment of the People's Liberation Struggle to establish women's equality. 'That equality cannot come to full expression because the veil stands in its way,' he maintained. Therefore, according to Fejić, one of the main obligations of 'Muslim men and women is to jettison this old custom as soon as possible so that a Muslim woman can de facto become ... a full member of our community and enter the stage of social life and help build our homeland'.²⁸ He went on to say that the veiling of women came at a time of decline for Islam, and that Islam was not limited by time or place and could be adapted to the needs of new times and circumstances.

In 1958, socialist Yugoslavia nationalised all large private land possessions. This was a blow to all institutionalised religions in the country, which counted among the biggest landowners. The IC lost most of its *waqf* possessions, prompting the need to reorganise its entire structure. The result was the new constitution of the Islamic Community in Yugoslavia, passed on 13 July 1959 in Sarajevo. With no big *waqfs*, there was no longer any need for *waqf* management, and the name *waqf* was removed from all official titles. The institution of the *Džemat Imam* was abolished, and instead the *Džemat* Committee became the nucleus of the IC. This can be seen as an attempt to transfer power from one person to a committee. The Reis-ul-Ulema became an institution outside the Supreme *Waqf* Council (now the Supreme Council). The institution of the mufti was essentially abolished, since it did not appear in the new constitution and the title was not used in the IC after that date.²⁹ The constitution of 1959 brought centralisation of the IC and the unification of most general regulations related to its work, very probably influenced by the constraints of a strongly secular socialist state.

Left without an independent source of income, the IC depended now almost entirely on state funding. State officials took advantage of this situation by exerting influence on the appointment of IC officials and on other personnel-related matters. A conversation in 1959 between IC official Selmo Hasimbegović and a government official named Radosavljević, cited by Dragan Novaković, elucidates the precarious position of the IC at the time. Hasimbegović explained to Radosavljević that the appointment of new imams was a matter of funds for their salaries, and Radosavljević replied that 'funds are not the problem; the fundamental issue is the appointment of the right staff'.³⁰

The IC's next constitution came ten years later, in a political atmosphere of growing demand by Yugoslav Muslims for a nation of their own. This nation-building by the IC during the 1960s meant that when the SFRY itself

²⁸ Bećirović 2012: 187.

²⁹ Constitution, 1959. See www.islamskazajednica.ba/images/stories/Ustavi/Ustav_IJ-e_iz_1959.g.pdf.

³⁰ Novaković 2015: 46.

forged a new constitution in 1974, a Muslim nation was recognised as separate from and equal to the other nations of the SFRY.³¹

The protocols of the seventeenth plenary meeting of the Central Committee of the Communist Party of Bosnia Herzegovina, held on 26 January 1968, and of the twentieth plenary meeting, on 17 May that same year, illustrate the situation of Yugoslav Muslims in the 1960s. Both sessions rejected the idea of integrating Muslims into Serb and Croat nations. Some Serb and Croat communists also advocated and opted for a new Muslim nation. Furthermore, in 1970 the Federal Commission for Religious Affairs issued a statement on the 'state of activities of religious communities in Yugoslavia'. Concerning the IC and the nation-building among Muslims of Bosnia Herzegovina, it states the following:

The specificity of the position and role of the Islamic religion in B&H is in its significant identification with the national issue, because this religion was decisive in national orientation. The identification of national and religious affiliation has remained in the consciousness, in the psychic constitution of Serbs, Croats and Muslims in this republic ... Since the Muslim being is in the process of being formed, part of the population perceives the Islamic religious community as a national community.³²

The third constitution of the IC in Yugoslavia, adopted on 5 November 1969, brought changes to the structure of community institutions. The *Džemat* Committee was abolished, and the institution of mufti reinstated. As a result, the mufti became the leading representative of the IC in his territory.

This constitution brought about another restructuring, which would have effects much later, in the 1990s. It made the IC in Sarajevo (from which the IC in Bosnia Herzegovina would evolve in 1993) the highest body of the IC in Croatia and Slovenia as well, rendering the ICs of these republics subordinate to that of Sarajevo. As we shall see, this arrangement changed with the next constitution, in 1990, but it re-entered the scene with the establishment of the new national ICs in post-Yugoslav countries during the early 1990s. After the dissolution of Yugoslavia, the IC in Bosnia Herzegovina became superordinate to Croatian and Slovenian ICs. In the words of the 1969 constitution:

The Supreme Council of the Islamic Community is the highest body of the Islamic Community in its territory. The Islamic Community in the SFRY has four assemblies, as follows: 1) The Assembly of the Islamic Community in Sarajevo for the territories of the Socialist Republic of Bosnia and Herzegovina,

³¹ Larise 2015.

³² Novaković 2015: 54.

the Socialist Republic of Croatia and the Socialist Republic of Slovenia; 2) The Assembly of the Islamic Community in Pristina for the territory of the Socialist Republic of Serbia; 3) The Assembly of the Islamic Community in Skopje, for the territory of the Socialist Republic of Macedonia; and 4) The Assembly of the Islamic Community in Titograd, for the territory of the Socialist Republic of Montenegro. The parliament in Sarajevo has 30 members, [that] in Pristina 29, in Skopje 20 and Titograd 16.³³

THE DISSOLUTION OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA AND THE END OF ITS ISLAMIC COMMUNITY

The fourth constitution of the IC, of 12 April 1990, which remained in force until 1992, brought profound changes to the organisational structure of the IC in the SFRY. It was called the Ramadan Constitution. The IC hoped for denationalisation and thereby regaining their *waqf* properties with the dissolution of the socialist regime and the advent of a capitalist economy. Therefore, it reorganised the management of *waqfs*. According to Article 29 of the constitution, there were now five regional assemblies: Sarajevo for Bosnia Herzegovina, Pristina for Serbia, Skopje for Macedonia, Podgorica (known between 1945 and 1992 as Titograd) for Montenegro, and Zagreb for Croatia and Slovenia. The Supreme Assembly of the IC was therefore composed of forty-six members: thirteen from Sarajevo, twelve from Pristina, nine from Skopje, six from Podgorica and six from Zagreb. Each member would serve for four years.

This constitution created the fifth organisational sub-unit of the Supreme Assembly: the head of the IC of Croatia (*Starješinstva Islamske zajednice Hrvatske*), which also comprised Slovenia, with its seat in Zagreb. The heads of the IC, which now numbered five, changed their name to Mešihat. They acted as regional executive organs of the High Assembly of the IC, now called the Rijaset of the IC and still the highest authority of the IC in the SFRY. According to Article 46, the Reis-ul-Ulema remained the head of the IC of the SFRY and, therefore, head of the High Assembly of the IC, with his seat in Sarajevo.

The IC of the SFRY ended with the dissolution of the Yugoslav state. In early 1993, the Rijaset held its last meeting in Skopje and decided that all new successor states of the SFRY should establish new, independent Islamic Communities. This was already the case in Bosnia Herzegovina, Montenegro (still sharing a state with Serbia) and Macedonia, which had established their own autonomous ICs, endowed with their own Rijaset and Reis-ul-Ulema, during the course of the collapse of the SFRY between 1990 and 1992.

³³ Constitution, 1969. See www.islamskazajednica.ba/images/stories/Ustavi/Ustav_IZ-e_iz_1969.pdf.

In Bosnia, a Renewal Assembly was held on 28 April 1993 in Sarajevo to restore the continuity of the IC, which, according to their view, was possible thanks to the Austro-Hungarian Statute of 1909. The new IC in Bosnia was defined as ‘a single and independent religious community to which all Muslims in the Republic of Bosnia Herzegovina belong, as well as all Bosnian Muslims temporarily or permanently residing abroad’.³⁴ By referring to the statute of 1909, the newly established IC in Bosnia attempted, first, to connect itself directly to pre-Yugoslav times, which meant a longer history and a further-reaching authority as well as authority over Croatian and Slovenian ICs. Second, and even more importantly, the reference to the statute made it possible to reclaim the highest authority, the institution of Reis-ul-Ulema, for itself, not only in Bosnia but also in Slovenia and Croatia, and partly over Sandžak in Serbia as well.

Finally, at the end of the 1980s (the peak of the Yugoslav Federation Crisis), Muslims – much like all other Yugoslav national corps – regrouped as political actors. Muslim intellectuals, supported by some representatives of ulema, helped to establish political parties that would reflect and represent Muslims’ national interests. Among these, the most important (and that with the largest number of members and supporters) was the Party of Democratic Action (*Stranka demokratske akcije*; SDA), also known among its members as the Party of the Muslim Historical Circle.³⁵

The Rijaset of the IC in Bosnia Herzegovina comprised (and, at the time of writing, still comprises) the ICs in Croatia, Slovenia and Sandžak (Serbia) at the level of *Mešihats*, which are subordinate to the Rijaset of the IC in Bosnia. The IC of Kosovo declared independence on 11 December 1993. In Serbia, two (competing) ICs were created in Novi Pazar and Belgrade in 1993 and 1994, respectively, each endowed with its own Reis-ul-Ulema.³⁶

The only formal act that is known to have dealt with the fate of the IC in the SFRY after 1993 is the agreement to a meeting between the representatives of ICs from the former Yugoslavia held on 29 October 1994 in Istanbul. The meeting was attended by Dr Mustafa Cerić (Reis-ul-Ulema of the ICs of the Republic of Bosnia Herzegovina), Dr Recep Boja (President of the IC of Kosovo), Sulejman ef. Rexhepi (President of the *Mešihat* of the IC of the Republic of Macedonia), Muamer ef. Zukorlić (President of the *Mešihat* of the IC of Sandžak) and Salim Šabić (President of the Parliament of the IC of Croatia and Slovenia). They stated that after their last session, held in Skopje in September 1993, the Rijaset, Reis-ul-Ulema and other bodies of the former Yugoslavia no longer existed and that new independent Islamic Communities had been formed and

³⁴ See www.islamskazajednica.ba.

³⁵ Abazović 2007: 53.

³⁶ Barišić 2008.

derived their legitimacy from Sharia regulations and normative acts established by their own legislatures.³⁷

CONCLUDING REMARKS

Austria took over Bosnia Herzegovina as a protectorate after the Treaty of Berlin in 1878. Its impetus was to cut off the Bosnian Muslims from Istanbul and establish a separate Bosnian IC, and this was achieved in 1882 with the appointment of the first head of the IC in Bosnia, the Reis-ul-Ulema, and the community's assembly, the Rijaset. The IC in Bosnia gained organisational autonomy in 1909 and full autonomy with the Islam Act of 1912. Islam's equality with other religions in Croatia and Slovenia (then also under Austro-Hungarian rule) was recognised later. In Slovenia and Dalmatia, a law was passed on 15 July 1912, and in Croatia and Slavonia it came during the First World War, on 17 May 1916. The Principality of Serbia had officially recognised the freedom to profess the Islamic faith much earlier, in 1868. After the Treaty of Berlin, an official IC was established in Serbia as well, led by a mufti based in Niš. Montenegro recognised the equality of Islam with other faiths in 1905. The IC there was headed by the Grand Mufti, headquartered in Podgorica. Kosovo and North Macedonia remained in the Ottoman empire until the end of the Balkan Wars in 1913.

In the first years after the establishment of the Kingdom of Serbs, Croats and Slovenes in 1919, following the end of the First World War, the ICs maintained the position and organisation they had had in the kingdoms and provinces of which they were a part before the new state was established. The Austro-Hungarian Statute of 1909 was valid for Bosnia Herzegovina, Croatia and Slovenia. The seat of the Reis-ul-Ulema and Rijaset was in Sarajevo. The Grand Mufti of Serbia, whose seat was moved from Niš to Belgrade, had Muslims in Serbia, Macedonia and Montenegro under his jurisdiction.

This arrangement changed between 1929 and 1935 with the period of absolutism introduced by King Aleksandar when the semi-autonomous nature of the ICs came under threat. The ICs were unified, and the seat of the Reis-ul-Ulema transferred to Belgrade. This meant that the institutions that Austria-Hungary had created for the Muslims of Bosnia, but not the Austrian Islam Act of 1912, were transferred to the whole of Yugoslavia. In other words, despite the changes in the political organisation of the region, the structures laid down by the Habsburg Islam policy endured, albeit with modifications.

The reintroduction of democracy in 1935 improved the general situation of Yugoslav Muslims and the IC significantly, thanks to their organisation as a political party under Mehmed Spaho. The seat of the Reis-ul-Ulema was

³⁷ Karčić 2009.

returned to Sarajevo. This progress, however, was interrupted once more, this time by the outbreak of the Second World War. That conflict brought the persecution of Muslims in the fascist state of Serbia and the continuation of the IC in Croatia under an uneasy arrangement within the Croat fascist state. It was not until the emergence of socialist Yugoslavia that the IC was re-established, in 1947. The seat of the Reis-ul-Ulema was in Sarajevo, but the IC in socialist Yugoslavia faced challenges to its autonomy, owing to the nationalisation of its *waqf* lands and its growing financial dependence on the state. This was coupled with the state's interference in religious affairs. The eventful evolution of the IC in SFRY can also be traced through its four different constitutions (of 1947, 1959, 1969 and 1990).

With the dissolution of Yugoslavia in 1991, the IC in Yugoslavia ceased to exist without an official decree. By 1992, the separate ICs of the successor states had been established – in some of those states, more than one. However, the structures created in Bosnia during the nineteenth century were preserved in the new state of Bosnia Herzegovina in a continuity that goes back to the Habsburg Monarchy. Moreover, the institution of the Reis-ul-Ulema introduced by the Austrian empire in Bosnia was incorporated into the structure of other ICs in Yugoslav successor countries.

BIBLIOGRAPHY

Primary sources

Archive of Serbia, Provincial Commission for Religious Issues of the People's Republic of Serbia, G-21, F-7.

Messenger of the SIP, 1950/4–7, pp. 189–92. Archive of Yugoslavia, Federal Commission for Religious Issues, 144484.

Secondary sources

Abazović, Dino (2007), 'Bosnian Muslims and Country in Transition', in T. B. Đorđević, D. Todorović, and L. Mitrović, *Islam at the Balkans in the Past, Today and in the Future*, Niš: Junir, pp. 51–7.

Barišić, Srđan (2008), 'Institucionalizacija Islamskih zajednica nakon raspada SFR Jugoslavije', *Filozofija i Društvo* 2, pp. 117–27.

Bećirović, Denis (2012), *Islamska zajednica u Bosni i Hercegovini za vrijeme avnojevske Jugoslavije (1945–1953)*, Zagreb and Sarajevo: Rijaset Islamske Zajednice.

Constitution of the IC of Yugoslavia (1959), www.islamskazajednica.ba/images/stories/Ustavi/Ustav_IJ-e_iz_1959.g.pdf.

Constitution of the IC of Yugoslavia (1969), www.islamskazajednica.ba/images/stories/Ustavi/Ustav_IJ-e_iz_1969.pdf.

Dautović, Rijad (2019), 'Islamitisch akademischer Verein "Zvijezda": Über den 1904 gegründeten ersten Muslimischen Verein in Österreich', *Wiener Geschichtsblätter* 74 (April), pp. 1–19.

- Donia, Robert J. (1981), *Islam Under the Double Eagle: The Muslims of Bosnia and Herzegovina 1878–1914*, Boulder and New York: East European Monographs, Columbia University Press.
- Đorđević, Dragoljub B., and Dragan Todorović (2007), 'Tekkias, Tarikats and Sheiks of Niš', in T. B. Đorđević, D. Todorović, and L. Mitrović, *Islam at the Balkans in the Past, Today and in the Future*, Niš: Junir, pp. 87–97.
- Đorđević, Dragoljub B., Dragan Todorović and Ljubiša Mitrović (eds) (2007), *Islam at the Balkans in the Past, Today and in the Future*, Niš: Junir.
- Duranović, Amir (2021), *Islamska zajednica u jugoslavenskom socijalizmu*, Sarajevo: Udruženje za modernu historiju (UMHIS).
- Džaja, Srećko M. (2002), *Die politische Realität des Jugoslawismus*, Oldenburg: Süd-Ost Institut.
- Islamska Zajednica (Islamic Community) (1986), *Šerijatski sudovi u Jugoslaviji 1918–1945*, Sarajevo: Islamska Zajednica.
- Karčić, Fikret (2009), 'Disolucija SFRJ i njene posljedice za Islamsku zajednicu', *Adalet/Iustitia*, 22 July 2009, www.fikretkarcic.wordpress.com/tag/obnoviteljski-sabor.
- Kramers, J. H. (2012), '*Šaikh* al-Islām', in *Encyclopaedia of Islam*, ed. M. Th. Houtsma et al., 1st ed., Leiden: Brill.
- Larise, Dunja (2015), 'Islamic Religious Community in Bosnia and Herzegovina and the Muslim/Bosniak Nation-building in Western Balkans', *Nationalities Papers: The Journal of Nationalism and Ethnicity* 43 (2), pp. 195–212.
- Nakičević, Osman (1996), *Istorijski razvoj institucije Rijaseta*, Sarajevo: Rijaset Islamske zajednice za Bosnu i Hercegovinu.
- Novaković, Dragan (2007), 'Processes of the Internal Organisational Consolidation of the Islam Religious Community in the Socialist Yugoslavia', in Đorđević, Todorović and Mitrović 2007: 67–86.
- (2015), *Islamska verska zajednica na Jugoslovenskom prostoru 1978–1991*, Niš: Junir.
- Petranović, Branko (1988), *Istorija Jugoslavije*, Beograd: Nolit.
- Pilar, Ivan (1918), *Die Südslavische Frage und der Weltkrieg: Übersichtliche Darstellung des Gesamt-Problems von L. v. Südland*, Vienna: Manzschke K. u. K. Hof-Verlags- und Universitäts-Buchhandlung.
- Privremena uredba o upravi vakufa Kraljevine Srba, Hrvata i Slovenaca, sem Bosne i Hercegovine (Provisional Decree on the Administration of the Vakuf of the Kingdom of Serbs, Croats and Slovenes, excluding Bosnia and Herzegovina), *Službene novine Kraljevine Srba, Hrvata i Slovenaca* (Official Gazette of the Kingdom of Serbs, Croats and Slovenes) 505 (10 May 1919).
- Potežica, Oliver (2007), 'Podele u Islamskoj zajednici sežu duboko u prošlost', *Nova srpska politička misao – Časopis za političku teoriju i društvena*, www.starisajt.nspm.rs/debate_2007/2007_potezica1.htm (accessed 3 April 2012).
- Rastoder, Šerbo (2003), 'A Short Review of the History of Montenegro', in *Montenegro in Transition: Problems of Identity and Statehood*, ed. Florian Bieber, Baden-Baden: Nomos.
- Repp, Richard (1986), *The Müfti of Istanbul: A Study in the Development of the Ottoman Learned Hierarchy*, London: Ithaca Press.
- Stefanović, Jovan (1953), *Odnosi između crkve i države*, Zagreb: Matica Hrvatska.

Ustav Kneževine Srbije – Namesnički ustav (Constitution of the Principality of Serbia, 1869), <https://salter.rs/zakoni/ustavi/ustav-srbije-od-1869-godine-namesnicki-ustav>.
Vukomanović, Milan (2007), 'Dervishes in Belgrade: The Belgrade Tekkes, Tariqas, Shaiks', in Đorđević, Todorović and Mitrović, *Islam at the Balkans in the Past, Today and in the Future*, Niš: Junir, pp. 83–6.

Religion and State in Bosnia Herzegovina

DINO ABAZOVIĆ

INTRODUCTION

During the first few days of July 2022, the main Bosnian newspapers, online portals and other news outlets reported on an interesting case of building procurement by the Embassy of the Republic of Austria in Sarajevo, the capital of Bosnia Herzegovina. The building had been rented by the embassy since its opening in 1996, and at the end of 2020 the local government (the Municipality Centre in Sarajevo) had decided to sell it to the embassy. During the preparation of the final documentation for the transfer of ownership, it was noticed that there was a specific type of mortgage on the building, a *muqata*.¹ The *muqata* required the present owner of the property, the municipality, to pay rent for the benefit of Skender Pasha's *waqf* (religious endowment) because the land was a *waqf* property.² To avoid legal problems for the municipality and the embassy, as well as tension with the Islamic Community of Bosnia Herzegovina, several members of the municipal council requested clarification and legal advice regarding the transfer of ownership. Representatives of the *Waqf* Directorate of the IC also approached the municipal council, claiming that 'the illegal attempt to sell the building to the Austrian Embassy confirms, unfortunately, that *waqf* property in Sarajevo is still under attack, both by domestic destructive

¹ *Muqata waqfs* represent *waqf* lands under unlimited and hereditary lease. The *muqata* lease contracts were signed with people who were interested in a building on *waqf* land. They would become owners of the building and pay annual rent (*muqata*) to the *waqf* as the landowner.

² İskender Pasha Mihaloglu (also called Skender Pasha) was the Ottoman governor (*sanjak-bey*) of the Bosnian *sanjak* (district) in 1478–80, 1485–91 and 1499–1504. Some of the religious endowments in Bosnia date back to his jurisdiction.

forces and by representatives of the international community.³ Interestingly enough, owing to the fact that European civil law does not recognise divided ownership, this was also one of the first problems for the Austro-Hungarian administration in Bosnia Herzegovina in the nineteenth century. The leasing of *waqf* property, or *muqata*, was accepted as a response or as a need to preserve the *waqf* from decay, that is, for the purpose of restoring the devastated *waqf* and its functionality.⁴ The contract on the embassy building was never signed, and at the time of writing the case is still pending.

This ambiguity surrounding a *waqf* property and the IC's reaction to it can be seen as indications of the contested nature of relations between state and religion in contemporary Bosnia Herzegovina, the problems faced by Bosnian Muslims and their organisations, and the extent to which these problems have their roots – at least partially – in the unresolved controversies of the last century. This chapter addresses important topics concerning Bosnian Muslims, those followers of Islam who, by way of their origin – be it family, culture, tradition, language or ethnicity – relate to Bosnia Herzegovina, as well as their present-day organisational settings and institutions. I will also briefly analyse the relations of state and faith, with reference to their specific features in the context of Bosnia Herzegovina.

In the post-Yugoslav period, the institutional organisation of churches and religious communities appears to be resolved thanks to the provisions of the Law on the Freedom of Religion and Legal Position of Churches and Religious Communities in Bosnia Herzegovina, accepted by the state in 2004. However, although treaties with the Catholic and Serbian Orthodox churches have been concluded, the state has not yet signed similar treaties with two other religious communities, the Muslim and Jewish communities, which are also considered to be 'historically established' and present in the country. I will discuss the experience of the Muslim community in detail by tracing the building of their religious institutions under the rule of the Austro-Hungarian Monarchy. Finally, I will discuss briefly whether Bosnian institutions can be reformed in such a way as to find a middle ground between secularism and ethno-religious nationalism, which can allow full and effective freedom of belief in the private sphere as well

³ Raport, 'Islamska zajednica: Općina Centar pokušala je prodati dio vakufske imovine', *Raport*, 1 July 2022, www.raport.ba/islamska-zajednica-opcina-centar-pokusala-je-prodati-dio-vakufske-imovine.

⁴ The irrevocability of the *waqf* means that its annulment and the transfer of its ownership through contract or inheritance are prohibited. Most Islamic jurists (*jumhur*), in accordance with this irrevocability, forbid the disposition of the *waqf*, from whichever side, in a way that results in its privatisation. Yet the types of tenancy known as *muqata* and *ijaretein waqf* were among the main means of alienation and usurpation of *waqf* and attempts to transfer ownership of *waqf* properties. Since the Austro-Hungarian period, the IC in Bosnia Herzegovina has adopted the position that the prevailing opinion of most Islamic jurists is that endowment is a permanent, irrevocable legal transaction that results in the transfer of ownership to the legal entity of the *waqf*.

as religious pluralism in the public sphere, based on a concept and model of 'positive' equality to be guaranteed by the state authorities.

To understand the current situation of Bosnian Muslims, one must take into consideration the specific historical circumstances and processes that influenced their lives and the development of their institutions, in particular the impact of the legacy of the Austro-Hungarian administration and the creation of the Islamic Community of Bosnia Herzegovina.

ISLAM IN BOSNIA HERZEGOVINA: A SHORT HISTORICAL OVERVIEW

The presence of Islam in Bosnia Herzegovina coincides with the Ottoman conquest of the Balkan Peninsula from the beginning of the fifteenth century onwards. The medieval Bosnian Kingdom was defeated in 1463, and over the five centuries before the arrival of Austro-Hungarian forces in the late nineteenth century, Bosnia became an integral part of the Ottoman empire. This period can be characterised as a transition from an essentially Islamic polity to one in which the modern state system came under the influence of Central European culture, linked to the influence of the Catholic Church. With the Austro-Hungarian occupation of Bosnia Herzegovina in 1878, a new political and legal climate was imposed, and the profound societal and political changes that took place influenced the lives of Bosnian Muslims dramatically.

At the time of the Austro-Hungarian arrival, all institutions in Bosnia Herzegovina were Ottoman and therefore Islamic, owing to the nature of the Ottoman empire as an effectively Muslim state. With the goal of consolidating its rule, the new Austrian administration had a strong aspiration to separate Bosnian Muslims from the influence of the Ottoman empire and its highest Islamic office, the sheikh ül-Islam. Unlike Christians and Jews, Muslims did not have a religious organisation separate from the state bureaucracy. Encouraged by some of the key political actors of the Habsburg Monarchy, including Count Gyula Andrassy, the troops' commander General Joseph von Philippovich managed to obtain a letter signed by fifty-eight distinguished Bosnian Muslims, requesting the formation of an independent religious structure and authority for Muslims, completely autonomous from the Sublime Porte.⁵ Subsequent local initiatives had the same aim. On 17 October 1882, the Austro-Hungarian authorities appointed the first Reis-ul-Ulema, chief spiritual leader of Muslims in Bosnia Herzegovina. A council called the Ulema Medžlis, composed of four members, was also formed, and it became the first Bosnian Muslim Islamic institution independent of Istanbul.

⁵ Robert J. Donia, *Islam under Double Eagle: The Muslims of Bosnia and Herzegovina, 1878–1914*, New York: Columbia University Press, 1981, p. 20.

One of the first changes to come about under Austro-Hungarian rule was that Sharia provisions were limited to matters of family and inheritance, and the administration of the *waqfs*. Immediately after the occupation, however, Austria–Hungary introduced new laws and regulations, declaring in public announcements that it would listen to the wishes and needs of all Bosnian citizens irrespective of ethnicity or confession. New legislation was introduced gradually, and over time, limitations to the scope of Islamic religious legal authority and provisions resulted in a new concept within Sharia, expressed by a new term – one of personal status – taken from European Continental Law.⁶ A volume of Sharia provisions on marriage, family and inheritance was compiled and published in Vienna in 1883 under the title *Eherecht, Familienrecht und Erbrecht der Mohamedaner nach hanafitischen Ritus* (Marriage Law, Family Law and Inheritance Law of the Mohammedans According to the Hanafi Rite).⁷ According to Enes Durmišević, the volume was not the codification of Sharia law but rather a review or commentary, thus serving as an informative guide for legal scholars and lawyers unfamiliar with the Arabic or Turkish languages.⁸

Still, Bosnian Muslims remained determined to make their new rulers more receptive to the everyday aspects of Islamic religious life and regulation. Several of the economic, financial, infrastructural and educational reforms undertaken by the new rulers were welcomed, but conflict emerged as well, such as that over the reform and management of *waqfs* and certain aspects of education (mostly that of female students). Finally, in 1909, the Austro-Hungarian empire accepted a document drafted by Bosnian Muslim leaders, ‘The Statute for Autonomous Government of Islamic Religious and *Waqf-Maarif* Affairs in Bosnia and Herzegovina’.⁹ The adoption of this statute brought about the reorganisation of the *waqf* administration. Muslims themselves elected the members of the administration, the link between *waqfs* and educational institutions was strengthened, and the autonomous rule of religious *waqfs* and educational institutions was guaranteed.¹⁰ The Muslim community also had the right to recommend three candidates from among whom the Reis-ul-Ulema should be (s)elected. This document can be considered an important milestone in building Islamic religious institutions in Bosnia within the framework of a modern European secular state.¹¹ The culmination of the reform process was the Islam Act, passed on 15 July 1912, which concerned the recognition of Hanafi Muslims as a religious

⁶ For more on this, see Durmišević 2008.

⁷ Imamović 1976: 37.

⁸ Durmišević 2008: 221.

⁹ Imamović 1976.

¹⁰ Muhammet Savaş Kafkasyalı (ed.), *Islam in the Balkans. Unexpired Hope: From Times of Glory to Times of Humility*, Ankara: Tika Yayınları, 2016, p. 43.

¹¹ The statute that resulted in the autonomous position of the IC remained in force until its abolition in 1930 by the Yugoslav king Aleksandar Karađorđević. See Imamović 1997.

community. Scholars such as Richard Potz and Izeta Džidić argue that the Islam Act, which remained intact later in the Republic of Austria, created a singular condition regarding the legal integration of Muslims in Europe.¹² According to Potz and Džidić, the hope remained that this particularity of 'Islamic law' would not be questioned by the short-sighted political outlook of individual governments, and also that it would not be challenged within the Islamic Community either.

As Fikret Karčić indicates, there have been two periods in the development of Muslim reformist ideas in Bosnia.¹³ The first lasted from the Habsburg occupation until 1918 and was characterised on the one hand by the proliferation of literacy in the local language, and on the other by the insistence of local political and cultural leaders, as well as the ulema, on educational reform within traditional Islamic schools. This was accompanied by constant demands for reform of the governing structures of the IC, as well as for the restructuring of the administration of *waqfs* and changes in Sharia provision regarding financial matters.

During the second period, from the end of Austro-Hungarian rule until 1946 (when Sharia courts were abolished by the socialist regime in Yugoslavia), the difference between the 'intelligentsia' (secular intellectuals) and the '*ilmije*' (Islamic scholars; the ulema) was sharpened on topics of wider public interest, such as the position of women in society, religious dress code, public morals and the management of *waqfs*, including the reform and codification of valid Sharia provisions. In the multi-confessional society of the Socialist Federal Republic of Yugoslavia under the socialist regime, under the overwhelming influence of the dominant politics of the Communist Party of Yugoslavia (the League of Communists of Yugoslavia), the place and role of religion in socio-political matters were, at the very least, understood dichotomously. At an ideological level, religion was perceived negatively as a traditionalist, anachronistic and retrograde phenomenon incompatible with the new progressive 'thought of the epoch'. The religious leadership was seen as exclusively anti-revolutionary. Religion was also understood in a culturally historical manner, however, perceived as being closely bound up with the ethno-national identities and feelings of the South Slavic peoples.

As Mirko Blagojević argues, the legacy of the SFRY can be seen in the formation of two kinds of culture in Bosnia, at a distance from each other.¹⁴ The first was a 'hard' secularist one, which used the institutional means of the socialist regime not only to support itself but also often to impose itself, resulting in its

¹² Potz and Džidić 2008: 475.

¹³ Karčić 1999.

¹⁴ Blagojević 2005.

hegemonic position, at least publicly. The second, religious culture, embedded itself efficiently in the private sphere with no significant public influence. Here it is important to note that 'when religion cannot be completely affirmed socially, it tends to lean on the nation and cover itself in a veil of nationality.'¹⁵ During that entire period, Bosnian Muslims were conscious, religiously and culturally, of their identity, but had no ethnic (national) consciousness yet. It can be seen from the topics of key discussions and disputes at the time that there was little, if any, 'national awakening' of Muslims in the SFRY. Under the conditions of insufficiently developed national awareness and identity among Muslims in Bosnia Herzegovina, confessional identity was strengthened, taking over certain compensating functions. Therefore, without a network of established, genuine national institutions, and with religion covered in 'a veil of nationality', after the official acknowledgement of the Muslim nationality – contrary to the expectations of the political elites – religion during the last two decades of the twentieth century became an even more significant factor of national self-identification for Bosnian Muslims.¹⁶ As the primary institution of Muslims in the SFRY, the IC remained in the position of a surrogate for the national community.

MUSLIMS, THE GOVERNANCE OF ISLAM AND THE STATE IN CONTEMPORARY BOSNIA HERZEGOVINA

One peculiar aspect of the transitional context of European post-socialist countries is manifested by the relationship between religious communities and politics. Several scholars from the region emphasise that the very nexus of religion and politics is a key social determinant of the process of transition. According to Srdjan Vrcan, in countries of the former SFRY, unlike in other countries of Eastern and Central Europe, religion and religiosity have become outstanding political issues, while at the same time politics is religionised and

¹⁵ Ćimić 2005: 22.

¹⁶ In the Socialist Federal Republic of Yugoslavia, unlike Serbs, Croats, Slovenes, Montenegrins and Macedonians, Muslims had the status of 'Yugoslav nation' (*jugoslovenski narod*). Until 1971, different variants and models of declaration of that significant part of the population appeared in population censuses. In the census of 1948, for example, the options offered were 'Muslim – nationally undetermined', as well as 'Serb' and 'Croat'. Those who did not want to declare themselves Serbs and Croats in the census of 1953 had the option of declaring themselves 'Yugoslavs – nationally undetermined'. In 1961, Muslims from Bosnia Herzegovina could declare themselves as being of Muslim nationality, and finally, in 1971 they could declare themselves 'Muslims' in the category 'nation/people'. It can be said that during that period Muslims (especially members of the IC, that is, practising believers) were in a situation that could be simplistically described as 'something between' national (non-)determination and tactical-pragmatic Yugoslavism. In the Bosnian language, there is a distinction between *Musliman* with capital 'M' and lower-case *musliman*. The first is understood as a name for members of the ethnic group (which is, in a way, a secularised notion) – until 1993, when it became *Bosniak* – while the latter is used to denote members of the IC, namely practising believers. Paradoxically, that distinction made possible the present situation in Bosnia Herzegovina, where there are *Muslimani* who are not *muslimani*.

religion politicised. In his opinion, all the dominant nationalistic strategies acted under a 'sacred canopy' – an additional layer of legitimacy provided by the three religions. And one that was very particular in its nature because it was granted 'from above'.¹⁷

This is not much of a surprise, since one must also keep in mind the fact that in the socialist era religion happened to be the only source of counterculture that influenced every social stratum, in contrast to explicit political opposition, which was restricted to the narrow circle of intellectuals. It can be argued that during the SFRY period there was no source of identity that fulfilled the role of preserving and transmitting national cultures and values as organised religion had done. The revival of religion in post-SFRY Bosnia Herzegovina can therefore be seen as a process of de-secularising public life, especially with regards to the dynamics of (co-)relations between politics and the religious communities. By de-secularising, I mean the process whereby religion ceases to be confined to a private role. As José Casanova suggests, it entails religions:

entering the public sphere and the arena of political contestation not only to defend their traditional turf, as they have done in the past, but also to participate in the very struggles to define and set the modern boundaries between the private and public spheres, between system and life-world, between legality and morality, between individual and society, between family, civil society, and state, between nations, states, civilisations, and the world system.¹⁸

It also includes the political instrumentalisation of religion and the religious instrumentalisation of politics, which is the case with Muslims in Bosnia Herzegovina as well as with the other two dominant Christian communities in the country.

Today, the Islamic Community is the principal Muslim organisation in Bosnia Herzegovina. According to its constitution, it is defined as 'the sole and unified community of Muslims in Bosnia and Herzegovina and Sandžak, Croatia, Slovenia and Serbia, of Muslim Bosniaks outside their homelands, and of other Muslims who accept it as their own'.¹⁹ In terms of organisational settings, its structure consists of: *jamaahs* (the lowest organisational unit, composed of at least 100 households); *majlises* (or *medžlis*, a higher-level unit consisting in most cases of at least seven *jamaahs* from one municipality or city);

¹⁷ Vrcan 2003: 51.

¹⁸ José Casanova, *Public Religions in the Modern World*, Chicago: University of Chicago Press, 1994, pp. 5–6.

¹⁹ See www.islamskazajednica.ba/images/stories/Ustavi/Ustav_IZ-e_precisceni_tekst_2014.pdf (accessed 18 April 2022). After 1993, according to the decision of the Bosniak Assembly held in Sarajevo, the term 'Muslim' as an ethnic group was no longer in use. Instead, 'Bosniak' is recognised as the national name, so the term 'Muslims' is used solely to designate confession.

muftiluks (administrative areas with a mufti's office; there are eight in Bosnia Herzegovina, and one each in Serbia, Croatia, Slovenia and Germany, plus the office of the mufti attached to the Ministry of Defence in Bosnia Herzegovina); the Rijaset (the highest administrative, executive and religious body, chaired by the Reis-ul-Ulema or Grand Mufti); the Assembly of the Islamic Community (the highest representative and legislative body); and the Constitutional Court of the Islamic Community (the highest body, ensuring the compliance of the activities of the IC's units with its constitution).

During the periods of the Austro-Hungarian and Yugoslav monarchies, when religious communities were recognised, the institutional authority of the IC consisted of four major elements: the organisation of the ulema, the management of *waqfs*, education (*maarif*) and Sharia courts. As we have seen, the Sharia courts were abolished in 1946 after the establishment of the SFRY; the other three elements remained, although *waqfs* became significantly weakened owing to the state's appropriation and nationalisation of the property of certain religious communities. During the SFRY the IC continued its development, based on the foundations established within the Austro-Hungarian empire, namely by establishing Muslim representative bodies, the executive institution and administration, the Constitutional Court, new educational institutions (including the Faculty of Islamic Theology) and other organisations, including faith-based charities and cultural associations.²⁰

The IC today operates almost 2,200 mosques and masjids, although some sources maintain that during the Bosnian War of 1991–5, more than 800 mosques, 213 masjids and 69 *maktabs* (schools) were destroyed, among other buildings.²¹ The educational institutions in Bosnia Herzegovina linked to the IC include the Faculty of Islamic Theology, the Gazi Husref-beg Library, two Islamic pedagogical academies and five Islamic *madrasas* (high schools), as well as two *madrasas* in neighbouring Serbia and Croatia.²² Among the other institutions linked to the Rijaset are the *Waqf* Directorate, the Agency for Halal Quality Certification, the Fatwa Council, the Muslim News Agency (MINA), the Centre for Publications (El-Kalem), the Centre for Islamic Architecture, the Centre for the Research of Bosniak Islamic Tradition, the Association of the Ulema of the Islamic Community, and the Office of the Bosniak Diaspora. The official gazette of the Islamic Community is *Glasnik* (The Herald), while

²⁰ Accordingly, during the Austro-Hungarian and Yugoslavian monarchical rule of Bosnia Herzegovina, the institutional framework of the IC was made up of the following elements: organisation of the ulema, *waqf*, education (*me'arif*) and Sharia judiciary. Within the framework of the SFRY, and since Bosnia's independence (1992), there have been further developments in the Islamic institutional framework, which currently includes Muslim representative bodies, executive administrative branches, the Constitutional Court, ulema, *waqf*, educational institutions and other institutions.

²¹ Almost 350 mosques were also severely damaged. For details, see Omerdić 1999.

²² See www.islamskazajednica.ba.

a yearbook (*Takvim*) and several other periodicals (among them *Preporod* and *Novi Muallim*) are published regularly.

It could be argued that the development of the IC, from its institutional establishment in 1882 under Austro-Hungarian rule to its present structure and scope of authority, attests to the emergence of a model of managing Islamic religious affairs that prioritises the independence of the community from the state. This can be traced in the IC's insistence on non-interference, on the separation of religion and state, and on its autonomy with regard to the election of its leadership, the management of its own internal structure, the organisation of religious life and religious education and the management of its enterprises. In the spiritual sense, on the other hand, the IC is considered an indivisible part of the *Umma*, but with a stress on the respect for and protection of traditionally and historically shaped customs of practising Islam, religious rituals and other manifestations of religious feeling in Bosnia Herzegovina. Karčić summarises the principal elements of Bosniaks' tradition of Islam effectively:

[the] *ehli-sunna* branch of Islam, including the *Maturidi* teaching in *akaid* and Hanafi *medhab* [rite] in *fikh*; the tradition of Sufi orders [*tarikati*]; the heritage of the Ottoman-Islamic cultural zone; the presence of elements of 'Islamicised' practice originating from the pre-Islamic period; the tradition of Islamic reformism [*islah*] in the understanding of Islam; the institutionalism of Islam through the Islamic Community; and the practice of living Islam within the secular state.²³

Nevertheless, it is important to consider the following points, as I have argued elsewhere.²⁴ First, in Bosnia, from the Second World War to the present, the term 'Muslim' has not exclusively indicated followers of Islam, but also members of an ethnic group. Therefore, we are speaking about the population whose members belong at the same time to both the IC and the wider national community. No matter whether a particular member of that community is self-declared as religious or not, Bosnian Muslims have struggled for an identity that is more ethnic/national than solely religious.

Second, in Bosnia, as elsewhere, religious or confessional self-identification is not identical to religious participation and individual religiosity; confession overlaps only a little with religiosity. Additional elements, such as the historical legacy of coexistence with non-Muslims and the geographical position of Bosnia Herzegovina (with its complete territorial separation from the so-called Islamic

²³ Karčić 2006: 14–15. The translation is my own.

²⁴ Abazović 2007.

countries), have influenced the traditions of Bosnian Muslims when it comes to religious practice or the practice of Islam.

Finally, the Bosnian War and the political situation immediately afterwards reinforced the correlation between confessional, national and state identity. This is, in fact, an ongoing process. Since the beginning of the 1990s, religion has been recognised and increasingly used as valuable political capital. In the ideological vacuum of post-socialism, religion became once again – as under Austro-Hungarian rule – a political tool, this time in changed circumstances. Religion as a confessional and collective identity has been re-orientated and overlapped with ethnicity, thus becoming the means for the legitimisation of the (new) political order.

RELIGION AND THE STATE: THE LEGAL FRAMEWORK OF THE NEW ORDER

The present legal structure in Bosnia Herzegovina is a result of the General Framework Agreement for Peace in Bosnia Herzegovina (GFAP) of 1995, known colloquially as the Dayton Peace Agreement.²⁵ The state is comprised of two entities, the Federation of Bosnia and Herzegovina and the Republika Srpska, each of which has a very high level of autonomy. The Federation of Bosnia and Herzegovina consists of ten cantons. The town of Brčko, the subject of international arbitration, now has the status of a district and is still under the direct supervision of a special international envoy.

The Dayton Peace Agreement is ‘a masterful diplomatic creation precisely because of its imprecision, allowing all sides, including the international community, to claim some kind of victory’.²⁶ It involves fundamental contradictions: declaring a unified State of Bosnia and Herzegovina while recognising two antagonistic entities, proclaiming democracy while entrenching ethnically based institutional structures and reaffirming individual rights while legitimising ethnic majoritarianism. From the outset, these raised serious concerns about the kind of polity that would prevail in Bosnia Herzegovina. The constitution of Bosnia Herzegovina, negotiated as part of the Dayton Agreement and given as Annex IV of it, affirms the absolute entitlement of all citizens to basic ‘human rights and fundamental freedoms’. Article II of the constitution obliges the state institutions and the two entities to ‘ensure the highest level of internationally recognised human rights and freedoms’ from discrimination. The same goes for freedom of religion, in both the constitution of Bosnia Herzegovina and the constitution of the two autonomous entities, the Federation of Bosnia and

²⁵ Negotiated in Dayton, Ohio, and signed in Paris on 14 December 1995, the GFAP is most often referred to as a political compromise that brought the war to an end.

²⁶ Pajić 2001: 45.

Herzegovina and the Republika Srpska.²⁷ Moreover, Bosnia Herzegovina opted for a model of the 'separation of state and faith', with an emphasis on the cooperation of the state with churches and religious communities. This model is sometimes referred to in the literature as a 'hybrid' or 'collaborative' model, owing to characteristics that include the basic separation of state and religion and 'the secular setting of the state', which is similar to that of Austria and in a way corresponds to the model that emerged during the Habsburg Monarchy.

Jens Woelk and Nedim Ademović claim that such an understanding and interpretation of the constitution of Bosnia Herzegovina is clearly supported in Article 14 of the country's Law on the Freedom of Religion and Legal Position of Churches and Religious Communities (2004), which stipulates that '[c]hurches and religious communities are separate from the state.'²⁸ Since 2004 the legal framework of state and faith relations has been based on this law, which also incorporates the principles of the equality of religious communities in their rights and obligations and the independence of religious communities in defining their internal organisation. The Law recognises the status of churches and religious communities as legal entities. The state may provide them with material assistance for healthcare, social, educational and charitable services (on condition that those services be provided without discrimination), and may also pay pensions, disability support and health insurance for religious personal.

Additional legal protection for religious freedom is ensured by the possibility of the state (or its entities) signing concluding agreements with the religious communities. Article 15 of the Law on the Freedom of Religion provides that issues of common interest between the state and one or more religious communities can be addressed by an agreement or agreements to be concluded by the Presidency of Bosnia Herzegovina,²⁹ the Council of Ministers, the governments

²⁷ 'The Constitution of the Republika Srpska was adopted on 28 February 1992 and published in the Official Gazette of the Republika Srpska. Since 1992, there have been more than 120 amendments to the Constitution. Article 1 of the Constitution states that the Republika Srpska is territorially unified, indivisible, and an inalienable constitutional and legal entity that shall independently perform its constitutional, legislative, executive, and judicial functions. The Constitution created a centralized federal unit within the asymmetrical federal system in Bosnia Herzegovina. The Washington Agreement created the Federation of Bosnia and Herzegovina (FBiH, Federation) in March 1994. On 30 March 1994, the Constitutional Assembly of the Federation of Bosnia and Herzegovina adopted its constitution, establishing the second of the two entities in Bosnia and Herzegovina. Unlike the Republika Srpska, the Federation of Bosnia and Herzegovina is extremely decentralized, made up of ten cantons with broad constitutional powers and discrepancies in the areas of education, culture, health care, and so on. The cantonal system was selected to prevent dominance by one ethnic group over the other. Since 1994, this constitution has been amended at least one hundred times.' Gavrić, Banović and Barreiro 2013: 22–3.

²⁸ Woelk and Ademović 2012: 24. See also the *Official Gazette of Bosnia and Herzegovina* no. 5/04 (9 March 2004), p. 6.

²⁹ The presidency of Bosnia Herzegovina is defined in the constitution as the highest state institution. The function of collective head of state is carried out equally by three representatives of the constituents of Bosnia Herzegovina: the Bosniak, Serb and Croat peoples. The constitutional jurisdiction

of the two entities and the respective churches and/or religious communities. Accordingly, in 2006 the Fundamental Treaty (Concordat) was signed between the Holy See and Bosnia Herzegovina, and it has the status of an international treaty. Following the example of the Catholic Church, a year later the Serbian Orthodox Church (SOC) entered into an agreement with the state of Bosnia Herzegovina, signed by the SOC (represented by His Holiness Patriarch Pavle) and the Minister of Civil Affairs by permission of the Presidency of Bosnia Herzegovina. That agreement has the status of bilateral, interstate treaty, since the headquarters of the SOC is in Belgrade, Serbia.

In 2009 the IC approached the Presidency of Bosnia Herzegovina to sign a Basic Agreement between the state and the IC. Following that initiative, representatives of the Council of Ministers and the IC formed a commission that worked for two years to prepare a draft agreement. The Bosnian media reported that the IC representatives described the draft agreement as being modelled on those signed between the Catholic and Serbian Orthodox religious communities and the state, while adding that differences were proposed only to reflect specificities related to Islam. *Preporod* reported it as follows:

The Islamic Community in Bosnia and Herzegovina, viewed from today's perspective, with an unnecessary delay compared to the Catholic Church and Serbian Orthodox Church, submitted to the BiH [Bosnia Herzegovina] Presidency an initiative for signing a similar contract in 2009, and negotiations on the text and content of this contract also formally began ... The Islamic Community in Bosnia and Herzegovina clearly stands for the principle of reasonable accommodation, which implies that no one's interests will be endangered, and everyone's rights will be respected.³⁰

Six years later, in 2015, the Council of Ministers agreed on a definitive version of the Basic Agreement and submitted it to the Presidency for approval. However, at the time of writing, the Presidency still has not signed the agreement. There has been no official statement either by state officials or by representatives of the IC to explain this failure. However, it can be gleaned from the media coverage that a few challenges are claimed to have prevented its realisation. One of the most illustrative examples was a feature by Radio Free Europe interviewing, among others, Mustafa Prljača, advisor to the Reis-ul-Ulema in Bosnia Herzegovina and a member of the commission for drafting the Basic Agreement.

of the presidency is defined by Article 5 of the constitution, which represents a special annex to the GFAP.

³⁰ Senada Tahirović, 'Ugovor države Bosne i Hercegovine s Islamskom zajednicom u BiH', *Preporod*, 24 May 2018, www.preporod.com/index.php/sve-vijesti/drustvo/item/9668-ugovor-drzave-bosne-i-hercegovine-s-islamskom-zajednicom-u-bih.

According to Prljača, in 2018 the response of two out of three members of the Presidency of Bosnia Herzegovina, the representatives of the Croat and Serbian people, was that the Catholic and Serbian Orthodox churches were opposed to the signing of the agreement with the IC. 'But', he added, 'when we [the IC] sent the letter to the religious communities, they [the Catholic and Serbian Orthodox churches] replied in writing that they had nothing against a similar agreement between the state and the Islamic community.'³¹ After the General Election in 2018, the new Presidency of Bosnia Herzegovina was convened, and the IC reinitiated contact regarding the Basic Agreement. There was no response from the Presidency until October 2021. Eventually, a few days after a meeting between the Presidency and the IC, when there was still no consensus, the Bosnian News portal Istraga.ba published the complete version of the proposal, revealing the content of the Basic Agreement to the public for the first time.³²

Analysis shows that most articles in the document are similar to those in previous agreements between the state and the Catholic and Serbian Orthodox religious communities, but there are also some specificities. The draft Basic Agreement stipulates that the state of Bosnia Herzegovina guarantee the IC freedom of communication with other Islamic Communities, freedom of religious mission, freedom of religious service, inviolability of official premises and religious facilities, inviolability of property rights and the disposal of *waqf* property, freedom of possession, printing, publishing and distribution of books, newspapers, magazines and audiovisual material, the right to establish a radio and television station, access to the media, the freedom to display insignia, flags, attributes and other signs, and the competence to standardise, accredit and certify halal food. This reflects the principle of *mutatis mutandis* with the agreements signed with the Catholic and Serbian Orthodox churches. The draft agreement also regulates such issues as free time at work to perform religious duties during the month of Ramadan (*iftar*), the right for absence from work to undertake the pilgrimage to Mecca (*hajj*), the freedom to perform the rite of sacrifice during Eid al-Adha, as well as freedoms relating to the circumcision of male children, the attending of Friday prayers, the choice of food and dress code at work.

It seems that, in the political arena, the major issue is whether the Basic Agreement should be treated as a kind of international agreement or as an intrastate one. This appears to be the source of the disagreement among the

³¹ Meliha Kešmer, 'Decenija čekanja za ugovor Islamske zajednice u BiH i države', Radio Slobodna Evropa, 21 October 2021, www.slobodnaevropa.org/a/islamska-zajednica-bih-islam-dodik-komsic/31522776.html.

³² 'Objavljujemo prijedlog ugovora između BiH i Islamske zajednice: Da li je sporna (samo) džuma?', Istraga, 23 October 2021, www.istraga.ba/objavljujemo-prijedlog-ugovora-između-bih-i-islamske-zajednice-da-li-je-sporna-samo-dzuma.

representatives composing the three-member Presidency of Bosnia Herzegovina. According to Šefik Džaferović and Željko Komšić (the Bosniak and Croat members of the Presidency, respectively), the agreement with the IC is specific, because the IC is ‘authentic’ – headquartered within Bosnia Herzegovina, unlike the Catholic and Serbian Orthodox churches.³³ Because of this specificity, both Džaferović and Komšić favour the option that the agreement being ratified by Parliament and signed by the three members of the Presidency is sufficient for it to be enforced. Milorad Dodik (the Serb member of the Presidency), on the other hand, opposes this reasoning strongly and argues that the procedure proposed by the other two members of the Presidency would result in the IC being favoured over the two other religious communities. Dodik suggests that treating the IC as ‘authentic’ would imply that the Catholic and Serbian Orthodox churches are legal aliens or ‘non-native’ to Bosnia Herzegovina.³⁴ The media also reported on two further issues that would risk favouring Muslims: free time for Muslim men from work to participate in Friday prayers (*jummah*) and the dress code for Muslim women.

The discussion reported in the media is illustrative but does not necessarily get to the heart of the problem. Nor are the contested parts of the Basic Agreement specific to the IC, at least, not according to legal analysis.³⁵ The core problem, I would argue, lies in the forms of ethno-political homogenisation that have been articulated in the political programmes of the post-Yugoslav states over the last few decades. Consociationalism used to be the key idea of the Bosnian Croat ethno-political elite, or at least of a powerful faction within it (represented by the Croatian Democratic Union/Hrvatska demokratska zajednica; HDZ). However, during the first two decades of the twenty-first century, this political tendency has evolved into a threat of the creation of a ‘third entity’ in Bosnia Herzegovina, dominated by Bosnian Croats and politically crafted by the HDZ-dominated Croatian National Assembly, the organisation of Croat political parties in Bosnia.

The conception of ethno-territorial federalism was for many years the staple of Dodik’s Alliance of Independent Socialist Democrats (SNSD), the Serbian party in Bosnia, lately turning into outright secessionism and open calls for Republika Srpska’s independence from Bosnia Herzegovina.³⁶ On the other

³³ Kešmer, ‘Decenija čekanja’.

³⁴ Ibid.

³⁵ In his analysis, Išerić argues that the draft does not put the IC and its members in a more favourable position and that it contains certain specifics that apply only to the Islamic faith. For more, see Išerić 2016.

³⁶ The most recent illustration is the statement of Milorad Dodik, Serbian member of the presidency of Bosnia Herzegovina (2018–22) and newly elected president of the Republika Srpska, at a large gathering of his supporters held in Banja Luka in October 2022, threatening the secession of the Republika Srpska if the powers that had been transferred to the state from 1995 to the present were not returned.

hand, civic republicanism, or the 'civic option' or 'state nation option', is associated with the leadership of the Party of Democratic Action (Stranka demokratske akcije; SDA), the current governing party in the country, but without a genuine politics of multiculturalism and openness for non-Bosniaks.³⁷ Such ideological positioning and political practice risk homogenising their respective 'populus' and rely on a concept of self-determination based on the primacy of collective (ethnic) rights. In addition, for a long period, the political legitimacy of the new order in Bosnia Herzegovina rested heavily on real and/or imagined support of/from religion and religious communities in the transition period after the collapse of the SFRY, and that has been possible, as Scott Appleby argues, because 'the seeds of Serbian, Croatian, and Bosnian religiosity were not stamped out under Communist rule, even among so-called secularised masses; but neither were they nurtured. Scattered and left untended, they were eventually planted in the crude soil of ethnonationalism.'³⁸

Bosnian Muslims organised in the IC of Bosnia Herzegovina may be taken as an example of how Islamic legal and ethical norms can be in agreement with a secular state, although not necessarily with a secular society. Still, the problem rests in the ethno-political nature of the Bosnian-Herzegovinian state and society, namely that ethno-nationalist politicians and some clergy have, over the past three decades, used religious reasoning to attain political goals and achieve non-religious aims. In doing so, they have contributed to a process whereby Islam has become nationalised and largely reduced to ethnicity in many respects. The point about the Basic Agreement under discussion between the state and the IC, accordingly, is not solely about 'state and faith' and/or religious freedoms. The ethno-religious nationalism that marks Bosnian politics today makes very unlikely the adoption of a secularism similar to the French model of *laïcité*. The 'territorial compartmentalisation' of freedom of religion discriminates against the 'others' in all spheres of life. It pushes citizens to make a choice between accepting the 'ethno-religious' identity ascribed to them by others, or being suspected as a 'traitor' to their own faith. This goes against all normative standards of freedom of conscience, religion and belief. Moreover, the interplay between the three dominant religious nationalisms in Bosnia Herzegovina leaves very little space for discussion about the situation and position of the numerous other religious communities (often referred to as minority and/or new religious communities) in the country, be that the Jewish

³⁷ For more on this, see Asim Mujkić, 'We, the Citizens of Ethnopolis', *Constellations* 14/1 (2007); Florian Bieber, 'Bosnia-Herzegovina: Developments towards a More Integrated State?', *Journal of Muslim Minority Affairs* 22/1 (2002), and Joseph Marko, 'Post-conflict Reconstruction through State- and Nation-building: The Case of Bosnia and Herzegovina', *European Diversity and Autonomy Papers – EDAP* 4 (2005), available at http://webfolder.eurac.edu/EURAC/Publications/edap/2005_edapo4.pdf.

³⁸ Appleby 2002: 71.

community, the Protestant/reformed Christian churches or such new religious movements as the International Society for Krishna Consciousness, to name just a few. This applies also to any Muslims who, for whatever reason, organise themselves outside the country's official IC. Islam has become more diverse in Bosnia Herzegovina since the 1990s. In addition to Salafi groups, a small Shi'i group emerged, which can be traced back to Iranian missionary efforts. In 2004, the first mosque of the Ahmadiyya Muslim Jamaat finally opened in Sarajevo.³⁹

The most important requirement for religious accommodation, therefore, seems to be the introduction of an effective system to protect minorities and, thus, the disentanglement of territorial and ethno-religious identity by establishing institutional ways and means of 'cultural autonomy' in education, media and other areas that communities and their leaders deem important for the preservation of their identities. The institutions and political parties of Bosnia Herzegovina must evolve in such a way as to find a middle ground between state neutrality towards organised religion and recognising ethno-religious nationalism, allowing full and effective freedom of belief in the private sphere as well as multi-religious pluralism in the public sphere, based on the concept and model of 'positive' equality to be guaranteed by the state authorities.

CONCLUDING REMARKS

Leaving aside a variety of disciplinary approaches in the debates about the role of religion in contemporary societies, a plausible starting point remains that the '[q]uestions of the freedom of religion, of the neutrality of the state toward religion, and of the extent to which religious laws should be acknowledged by a secular state all put the various structures of secularism on the research agenda.'⁴⁰ From the perspective of the sociology of religion, I concur with José Casanova that the focus should be on the basic analytic distinction between 'the secular', 'secularisation' and 'secularism', where the first is a central modern epistemic category, the second an analytical conceptualisation of modern world-historical process, and the last a world view and ideology.⁴¹

As I have argued elsewhere, after the collapse of socialism and the SFRY, religion was revitalised in Bosnia Herzegovina and politicised through ethnicisation, as it came to be understood as a political tool by various factions of the political elite.⁴² As this occurred, religion came to be understood in a rather narrow way; it has been orientated and reduced to ethnicity, rather than to

³⁹ 'Bosnia and Herzegovina', www.ahmadiyyatmosques.wordpress.com/bosnia-and-herzegovina (accessed 12 January 2023).

⁴⁰ Calhoun, Juergensmeyer and VanAntwerpen 2011: 17.

⁴¹ José Casanova, 'The Secular, Secularisations, Secularisms', in *ibid.*, 54.

⁴² Abazović 2014.

its immanent universal characteristics, features and mission. Thus ethnic and religious identities collapsed into each other. As a result, confessional collective identities have been encouraged, and religion has become the means for the political legitimisation of the new social and political order. This seems to be in line with the global rise of new forms of religious nationalism by the end of the twentieth century, as articulated by Mark Juergensmeyer:

[T]he fading of the nation-state and the disillusionment with old forms of secular nationalism have produced both the opportunity for new nationalisms and the need for them. The opportunity has arisen because the old orders seem so weak; and the need for national identity persists because no single alternative form of social cohesion and affiliation has yet appeared to dominate public life the way the nation-state did in the twentieth century ... In the contemporary political climate, therefore, religious and ethnic nationalism have provided a solution to the perceived insufficiencies of Western-style secular politics. As secular ties have begun to unravel in the post-Soviet and post-colonial era, local leaders have searched for new anchors to ground their social identities and political loyalties.⁴³

It is important to see, in the complex political and cultural settings of such emerging democracies as Bosnia Herzegovina – post-conflict, transitional and multi-confessional – that ‘the modern political analysis of democracy, while it absolutely requires use of such concepts as voting and relative freedom to organise, does not necessarily need the concept of secularism.’⁴⁴ Still, according to Alfred Stepan, ‘twin tolerations’ are needed, since democratic institutions do require political space from religion if they are to function, as citizens also need to be granted the space by democratic institutions to exercise their religious freedoms.

In the case of Bosnian Muslims and their relations with the state, I agree with Karčić when he writes about the scope of the manifestation of Islam in a secular state such as this: ‘[It] comprises the area of belief (*‘Aqida*) without any limitation and the area of Islamic normative system (*Shari’a*) limited to worship (*‘ibada*) and social affairs (*mu’malat*).’⁴⁵ Therefore, one must take into consideration the fact that the formation and development of the collective identity of Bosnian Muslims (religious and ethnic/national) have been determined by the acceptance and practice of Islam. At the same time, various historical and political processes have been equally significant in this

⁴³ Mark Juergensmeyer, ‘Religious Terror and Secular State’, Global and International Study Program, Paper 22 (2004), p. 5.

⁴⁴ Stepan 2011: 114.

⁴⁵ Karčić 2008b.

process, including the socio-political governance systems that emerged after the Ottomans. Accordingly, the foremost breakthrough occurred with the arrival of the Austro-Hungarian empire and the occupation of Bosnia, which resulted in a new political and legal climate that was imposed from early on. The profound societal and political changes that took place afterwards dramatically influenced – and still influence – the life of Muslims. If there is a lesson to be learned from the case of the Bosnian Muslims, it can be drawn along the following lines: the insistence on historically shaped customs of practising religion and its institutionalisation through genuine forms of religious organisation prevail. This includes the implementation of Islamic normative systems of religion, ethics and legal processes, but in a secular state religious legal norms are transformed into ethical ones.

BIBLIOGRAPHY

- Abazović, Dino (2007), 'Bosnian Muslims and Country in Transition', in *Islam at the Balkans in the Past, Today and in the Future*, ed. Dragoljub B. Đorđević, Dragan Todorović and Ljubiša Mitrović, Niš: Junir, pp. 51–6.
- (2014), 'Reconciliation, Ethnopolitics and Religion in Bosnia-Herzegovina', in *Post-Yugoslavia: New Cultural and Political Perspectives*, ed. Dino Abazović and Mitja Velikonja, Basingstoke: Palgrave Macmillan, pp. 35–56.
- Appleby, R. Scott (2002), *The Ambivalence of the Sacred: Religion, Violence, and Reconciliation*, New York: Rowman & Littlefield Publishers, Carnegie Corporation.
- Blagojević, Mirko (2005), *Religija i crkva u transformacijama društva*, Beograd: Institut za filozofiju i društvenu teoriju, I. P. Filip Višnjić.
- Calhoun, Craig, Mark Juergensmeyer and Jonathan VanAntwerpen (2011), 'Introduction', in *Rethinking Secularism*, ed. Craig Calhoun, Mark Juergensmeyer and Jonathan VanAntwerpen, New York: Oxford University Press, pp. 3–30.
- Ćimić, Esad (2005), *Iskušenja zajedništva*, Sarajevo: DID.
- Durmišević, Enes (2002), *Uspostava i pravni položaj Rijaseta Islamske zajednice u Bosni i Hercegovini 1882–1899*, Sarajevo: Magistrat.
- (2008), 'Institucionalizacija islama u postosmanskom period', in *Zbornik radova Naučnog skupa 'Islamska tradicija Bošnjaka: Izvori, razvoj i institucije, perspektive'*, ed. Mehmedalija Hadžić, Sarajevo: Rijaset Islamske zajednice u Bosni i Hercegovini, pp. 211–39.
- Gavrić, Saša, Damir Banović and Mariña Barreiro (2013), *The Political System of Bosnia and Herzegovina: Institutions – Actors – Processes*, Sarajevo: Sarajevo Open Centre.
- Imamović, Mustafa (1976), *Pravni položaj i unutašnji politički razvitak Bosne i Hercegovine od 1898 do 1914*, Sarajevo: Svjetlost.
- (1997), *Historija Bošnjaka*, Sarajevo: Magistrat.
- Išerić, Harun (2016), 'Prijedlog osnovnog ugovora između Bosne i Hercegovine i Islamske zajednice u Bosni i Hercegovini', *Pravna misao* 11–12, pp. 58–93.
- Karčić, Fikret (1999), *Bošnjaci i izazovi modernosti*, Sarajevo: El-Kalem.
- (2006), 'Šta je to islamska tradicija Bošnjaka?', *Preporod* 23 (841), pp. 49–59.

-
- (2008a) 'Islam u sekularnoj državi: primjer Bosne i Hercegovine', in *Zbornik radova Naučnog skupa 'Islamska tradicija Bošnjaka: Izvori, razvoj i institucije, perspektive'*, ed. Mehmedalija Hadžić, Sarajevo: Rijaset Islamske zajednice u Bosni i Hercegovini, pp. 423–36.
- (2008b) 'Secular State and Religion(s): Remarks on the Bosnian Experience in Regulating Religion and State Relations in View of the New Law on Freedom of Religion', in *Religion and Secular State: Role and Meaning of Religion in a Secular Society from Jewish, Christian and Muslim Perspectives*, Sarajevo: EAF, MRI and Konrad Adenauer Stiftung.
- Karić, Enes (2016), 'Bosnian Muslims and Their Educational Dilemmas in the Austro-Hungarian Period (1878–1918)', in *Islam in the Balkans: Unexpired Hope: From Times of Glory to Times of Humility*, ed. Muhammet Savaş Kafkasyalı, Ankara: Tika Yayınları, pp. 35–55.
- Omerdić, Muharem (1999), *Prilozi izučavanju genocida nad Bošnjacima*, Sarajevo: El-Kalem.
- Pajić, Zoran (2001), 'The Role of Institutions in Peace Building', in *International Support Policies to South-east European Countries, Lessons (Not) Learned in B-H*, ed. Žarko Papić, Sarajevo: Müller, pp. 25–30.
- Potz, Richard, and Izeta Džidić (2008), 'Politika Austro-Ugarske monarhije prema vjerskim zajednicama u Bosni i Hercegovini', in *Zbornik radova Naučnog skupa 'Islamska tradicija Bošnjaka: Izvori, razvoj i institucije, perspektive'*, ed. Mehmedalija Hadžić, Sarajevo: Rijaset Islamske zajednice u Bosni i Hercegovini, pp. 468–76.
- Stepan, Alfred (2011), 'The Multiple Secularism of Modern Democratic and Non-democratic Regimes', in *Rethinking Secularism*, ed. Craig Calhoun, Mark Juergensmeyer and Jonathan VanAntwerpen, New York: Oxford University Press, pp. 114–44.
- Vrcan, Srdjan (2003), 'Faith and State: The Exemplary Case of Former Yugoslavia', *Transeuropeennes* 23, pp. 51–63.
- Woelk, Jens, and Nedim Ademović (2012), 'General about Secularism and the Relationship between the State and Religious Communities', in *Doctrinal and Practical Aspects of Relationship between the State, Churches/Religious Communities and Individuals*, ed. N. Ademović et al., Sarajevo: Evropska akademija za primjenjena istraživanja u Bosni i Hercegovini, pp. 17–25.

Bosnian Islam? Islam and Muslims in Bosnia Herzegovina from a Historical Perspective

ESNAF BEGIĆ

Muslims' understanding of religion and their resulting religious practices, as well as the religion of Islam as a whole, are often seen in the mainstream political discourse as the cause of many problems with immigration and the integration of immigrants within European countries. Although factual and academically sound publications warn against such tendencies, the debates surrounding several social and economic problems are given a religious flavour – not only by the bearers and actors of the discourse on Islam from the majority society, but also very often by Muslims themselves. Immigrants of Muslim background are further 'Islamised' as a result. Michael Kiefer suggests that 'scepticism is therefore called for when all conflicts are explained with Islam – or when they are supposed to be solved with Islam.'¹ It is not surprising that in this abbreviated and simplified view of manifold social problems, Islam is essentially denied not only the ability but also the right to become an integral part of European religious culture. In Germany, for example, Islam is part of social reality, but not part of national identity.² It is seen as an anachronistic element of that country's society and also of European history.³

When views of Islam being anachronistic are expressed, reference is made predominantly to those Europe-dwelling Muslims whose origin and ethnic and cultural roots lie outside or at the edges of Europe. European Muslims, such as, for example, those of Albanian or Bosniak origin, are usually overlooked despite making up a considerable part of the European Muslim diaspora. Although

¹ Lecture at the conference on imam training at the University of Osnabrück, 25–7 February 2010. See also Kiefer 2010a.

² Gathmann and Reimann 2016.

³ Kiefer 2010b: 186.

Bosniak Muslims do not form the majority of Muslims in any EU state, Bosniaks have been a significant group among Muslims in Germany and Austria since the Bosnian War (1992–5). It is estimated that around 400,000 Bosniak Muslims live in Germany, and more than 100,000 in Austria. Switzerland, in turn, is home to almost 100,000 Albanians, mostly from Kosovo. The German-speaking area is thus the centre of the Bosniak and Albanian Muslim diaspora in Central Europe. Muslim immigrants from Turkey are at the forefront of the public debate about Islam and Muslims, probably because of their numerical majority in many European countries. Muslims from Arab countries, Afghanistan, Syria and Iran have also increasingly become the focus of interest, mainly owing to the influx of refugees from these countries in recent years. The fact that the hegemonic European discourse about Muslims and Islam is shaped through the perception and framing of the belief and practices of these other immigrant communities is understandable to an extent. Interestingly, despite – or perhaps because of – that focus on Muslim immigrants from outside Europe, any talk of ‘good’ practices of ‘integration’ concerns primarily those Islamic traditions that have a historical and territorial connection to Europe. First and foremost among these traditions are those in Bosnia Herzegovina. It can be argued that this recognition is largely thanks to the relevant publications in the Islam-related academic discourse in German-speaking countries, which have addressed the understanding, practice and experience of Islam among Muslims in Bosnia Herzegovina.⁴ Often labelled ‘Bosnian Islam’ – a not uncontroversial term from an academic point of view – an ‘enlightened, liberal and moderate Islam’ has been portrayed as exemplary, for instance, for the processes of integration in Germany.⁵

Central to this narrative of Bosnian Islam are the historical processes of integration associated with Bosnian Muslims, with reference to their religious organisational structures, educational institutions and diaspora being conceived and presented as a model for ‘European Islam’. Reference is made particularly to the special role of Bosnian Islam under Austro-Hungarian rule in Bosnia Herzegovina (1878–1918). The Austro-Hungarian occupation meant that Indigenous Muslims there suddenly found themselves in a situation that ‘corresponds in many respects to the situation of Muslims in Western Europe today’.⁶ The issue at that time was the question of integration and the location of Islam within Austria–Hungary, as is the case today in several European countries.

Bosnian and Herzegovinian Muslims appear also to have become increasingly aware of the opportunities presented by Bosnian Islam’s contribution to a wider debate about Islam in Europe. This newly found self-confidence is being

⁴ Schmid 2008. See also Omerika 2013a: 295–320.

⁵ Omerika 2013b: 11.

⁶ Schmid 2008: 98.

generated, to a large extent, by societal actors and institutions active in recent decades within the Islamic Community in Bosnia and Herzegovina (Islamska zajednica u Bosni i Hercegovini; hereafter the IC), the official Muslim religious body established under Habsburg rule. But what exactly is Bosnian Islam? How can we critically examine the ability of Bosnian Islam to rethink and adapt its religious principles and practices to constantly changing socio-political circumstances springing from the period of Habsburg rule? This chapter aims to address these questions from a historical perspective by looking at the formal development and institutionalisation of Islam in Bosnia Herzegovina in the shape of the IC, a religious community and institution that developed despite, or perhaps because of, historical developments in this part of the world.

THE HABSBURG LEGACY, THE ISLAMIC COMMUNITY AND THE SHAPING OF A BOSNIAN ISLAM

The history of the Bosnian-Herzegovinian Muslims, the Bosniaks as they call themselves today, from the Congress of Berlin in 1878 throughout the subsequent occupation of Bosnia Herzegovina by the Austro-Hungarian Monarchy is characterised by political and cultural upheaval. The Muslim population of Bosnia Herzegovina found themselves in a profoundly difficult situation, being in the new power matrix politically, but economically inferior to the other two ethno-national communities, the Croats and the Serbs.⁷ It is therefore not surprising that they opposed the new ruling power and its occupying forces, and for a few months put up strong resistance to the occupation. Austro-Hungarian rule represented for many Bosnian Muslims a new, 'Western' and Christian way of life, in contrast with the Islamic way of life to which they were accustomed.⁸ Many perceived the new rule as a 'blow of fate, a shock, a misfortune and a general destruction of their psychic and spiritual being, which had been consolidated in the Ottoman empire until then'.⁹ One of the reasons for this attitude may also be found in the fact that they regarded the Austro-Hungarian occupation as provisional and 'expected the return of the Sultan and Turkish rule'.¹⁰ They were led to believe this because the resolutions of the Congress of Berlin stated that the occupation was of a provisional nature.¹¹ Šaćir Filandra notes that 'Bosniaks entered the 20th century as an isolated Muslim island, deprived of their rights and left to their own devices, in the heart of the predominantly

⁷ Imamović 1998: 362.

⁸ Omerika 2013b: 16.

⁹ Rizvić 1990: 11.

¹⁰ Hadžijahić 1977: 118.

¹¹ Hanotaux 1908.

Christian Balkans ... This was a culture shock from which they did not recover for a long time and from whose consequences they suffered for decades.¹²

Following the occupation, the Habsburgs pursued their strategic interests consistently. These were generally reflected in the strengthening of their position of power in the Balkans, the primary aim of which was to prevent the establishment of a large South Slavic state. The realisation of these interests presupposed the complete and comprehensive social control of Bosnia Herzegovina, an attitude that eventually led to the annexation of the country in 1908. For this reason, they worked from the very beginning to incorporate Bosnia Herzegovina into the political, legal, military, economic and cultural system of the monarchy, which Fikret Karčić describes as the 'modernisation of Bosnian society' but with a 'cultural mission' aimed at 'bringing European culture to the rest of the East and to the Balkans'.¹³ The unfolding upheaval inevitably affected the understanding of Islam as the essential, dominant factor in the identity of this autochthonous European Muslim population group. On the other hand, this 'overloading with history and enormous historical burden' had lasting consequences for the location of Islam and its role in the private and public spheres of the several states that were established on the territory of what is now Bosnia Herzegovina from 1878 to the present.¹⁴

The changes that came with Habsburg rule entailed a rethinking on several levels of the overall societal role of Islam. As the Bosnian ulema began to 'adapt themselves, their religion, or better, their interpretation, to the new times', several processes of adjustment to the new order began.¹⁵ For example, owing to the widespread perception of Austro-Hungarian rule as non-Islamic, many Muslim scholars and clerics (imams) propagated the idea of the supposed Sharia-based necessity and duty to leave Bosnia Herzegovina. As a result, many Muslims emigrated to the Ottoman empire. The second Reis-ul-Ulema (1893–1909) of the IC, Mehmed Teufik Azapagić (also Azabagić), dealt with this in a paper in which he concluded that, in his view, the necessity to emigrate did not exist, could not be justified on the basis of the Sharia, and should accordingly be rejected.¹⁶ He also put forward arguments that legitimised even a non-Muslim ruler for Muslims. This was a Sharia-related way of dealing with a concrete problem that arose with the rupture facing Muslims in Bosnia Herzegovina after the Austro-Hungarian occupation. Through his stance, which he justified by the application of Sharia-based argument, Azapagić attempted to counteract this caesura.

¹² Filandra 1998: 12 f.

¹³ Ibid., 83; for this, here he refers to Neupauer 1884.

¹⁴ Karić 2004: 20.

¹⁵ Ibid., 38.

¹⁶ See Azapagić 1990.

The rupture was felt at a cultural level. The challenges that arose as a result of the occupation meant that belonging to Islam itself had to be redefined in identity terms, in terms hitherto unknown to Bosnian and Herzegovinian Muslims. Islam, in fact, became the decisive determinant of their ethno-national self-understanding, and thus came to form, to a large extent, the main reference point for the formation of their ethno-national autonomy, 'culturally, civilisationally and historically'.¹⁷ With the subsequent developments and the states that were to alternate in the territory of Bosnia Herzegovina throughout the twentieth century, these aspects also took on an essential political significance. Islam, for example, served as a frame of reference for their (party) political organisations.¹⁸ This could already be seen in the last years of the Austro-Hungarian presence in Bosnia Herzegovina, and has continued – albeit with some interruptions – to the present. Islam also became the basis for creativity in various cultural areas during this period, just as it shaped the individual and social ethics of Muslims. In other words, the profound changes that came with Habsburg rule were not just organisational or political, but also cultural, social and religious. They not only affected those issues that were of practical relevance to religion, but also related to Islam as the defining feature of all aspects of the identity of Muslims in Bosnia Herzegovina, as well as all areas of the expression of this identity in society as a whole.

Another profound consequence of Habsburg rule for Muslims in Bosnia Herzegovina was the new religious organisational structures it introduced. As members of the state religion, they were administered and guided by the religious authorities in the Ottoman empire, but Bosnian Muslims did not have their own separate religious institution. The establishment of such an institution with the claim of religious representation and for the administration of their religious affairs and business in a state that was no longer Islamic represented a novelty not only for the Bosnian and Herzegovinian Muslims themselves, but also for the religious authorities in the Austro-Hungarian empire. The aim of the Austro-Hungarian administration to establish an independent, autocephalous religious hierarchy in Bosnia Herzegovina was undoubtedly a result of political pragmatism, intended primarily to contribute to the consolidation of its rule, and, despite claims otherwise, did not primarily have the religious needs of the Bosnian and Herzegovinian Muslims in mind.¹⁹

The administration was aware that severing the Muslims' relations with the Sublime Porte and sheikh ūl-Islam in Istanbul would not be easy. Most Muslims in Bosnia Herzegovina and the Sublime Porte were firmly against this, as attested

¹⁷ Karić 2004: 33.

¹⁸ *Ibid.*, 37.

¹⁹ For more details, see Kraljačić 1987: 351–66.

to by the strong resistance to the occupation, in which both the ulema and the wider population took part.²⁰ The compromise was that the sheikh ūl-Islam in Istanbul, as the supreme religious authority, could continue to appoint the Islamic clergy and holders of religious posts in Bosnia Herzegovina, on condition that those people came from the ranks of the country's native ulema. In 1882, after almost three years' delay, and while diplomatic activity by the Austro-Hungarian administration to resolve this continued in the background, the sheikh ūl-Islam finally appointed the mufti of Sarajevo, Mustafa Hilmi-ef. Omerović, the new Bosnian mufti.²¹ Since Omerović had shown himself agreeable to the Austro-Hungarian authorities from the beginning and was considered a 'suitable personality', the administration recognised his appointment by imperial decree, confirming him as the first Reis-ul-Ulema of the newly created institution of the IC under the name 'Rijaset'.²² The emperor also appointed four members of the Ulema Medžlis (council of ulema), a kind of presidium, from among native scholars. This body formed the highest administrative organ in the structure of the newly established IC in Bosnia. Corresponding bodies were subsequently established at the lower levels. The holders of posts within them, in common with the highest representatives, were not elected but rather appointed by the provincial government of Bosnia Herzegovina, which was under the control of the Austro-Hungarian administration.²³ In this way, and by taking upon itself the payment of the salaries of these religious functionaries, the monarchy secured complete control over the newly founded religious structure of Bosnian and Herzegovinian Muslims, a circumstance that is considered unique in the Muslim world.²⁴

However, this new religious institution was anything but independent. A special commission was set up within the monarchy's Ministry of Finance to control all religious business and religious foundations, the so-called pious foundations (Bosnian *vakuf* pl. *vakufi*, Arabic *waqf* pl. *awqāf*).²⁵ The reformed school system was also under the control of Austria-Hungary.²⁶ As a result of this control and the resulting dissatisfaction among the Muslim population, the Movement for Religious and Educational Autonomy (Pokret za vjersku i vakufsko-mearifsku autonomiju) developed in 1899 under the leadership of the mufti of Mostar, Ali Fehmi Džabić (1853–1918).²⁷ The emergence of this movement was also encouraged by the 'aggressive proselytizing efforts of the Catholic hierarchy in Bosnia

²⁰ Durmišević 2002: 102.

²¹ Šehić 1996: 12. On the first Reis-ul-Ulema, Mustafa Hilmi-ef. Omerović, see Cerić 1994.

²² Šehić 1996: 15. On the title and office of Reis-ul-Ulema, see Karčić 2011.

²³ Imamović 1994: 54 f.

²⁴ Ibid., 54.

²⁵ Ibid., 54 f.

²⁶ Bojić 2001: 136.

²⁷ Ibid., 145. For further details, see Rizvić 1990: 179–80.

and Herzegovina'.²⁸ While the Muslims saw the question of the autonomy they demanded primarily in religious terms, Austria-Hungary regarded it as a political or constitutional issue. The Muslims could therefore not be granted autonomy as long as the constitutional status of Bosnia Herzegovina had not been clarified.²⁹ This political and legal game continued until 1908, when Bosnia Herzegovina was finally annexed and thus finally incorporated into the monarchy in terms of constitutional law. The decade-long struggle for autonomy ended with the adopting of the Statute for the Autonomous Administration of Islamic Religious and *Waqf*-Educational Affairs in Bosnia and Herzegovina (*Štatut za autonomnu upravu vjerskih i vakufsko-mearifskih poslova u Bosni i Hercegovini*) in 1909. It was the 'first all-encompassing legal act' ever to organise the IC.³⁰ Autonomy was granted, but the imperial control was still there, wrapped in a legal shell; it was to be used within the imperial framework. Another aspect of the statute was that it was not passed, as the status of autonomy would lead one to expect, by the organs of the IVZ, but was instead promulgated directly by the state and/or the emperor in the form of an 'Imperial Supreme Resolution' (*Allerhöchste Entschließung* 1909). Accordingly, the autonomy was limited, a fact that was vividly reflected in the provisions for the election of the Reis-ul-Ulema as head of the IC (also discussed in Chapter 5).³¹

The statute did, however, provide a solid legal and organisational basis for the IC's continued existence and development as the institutional representation of Muslims, as the literature on the IC under Austro-Hungarian rule reveals. As much as it was intended to serve the political goals of the new ruling structures, the IC became a significant feature of the presence of Islam in Bosnia Herzegovina, and has remained so. Especially from the perspective of the religious legitimisation of offices and dignitaries, as well as of the religious practice, teachings and lifestyle of Bosnian and Herzegovinian Muslims, it has always been an unavoidable factor. It has become an important institution for the self-understanding and location of Islam in Bosnia Herzegovina, even though the actions of its dignitaries, functionaries and servants have been subject to much criticism and debate.

The monarchy also ensured freedom of religious practice for Muslims in Bosnia Herzegovina through legislation. Various aspects of Islamic religious practice – among them the performance of prayers, medical examinations and dietary regulations – were thereby regulated and guaranteed.³² The Islam Act of 1912

²⁸ Imamović 1996: 55. On the topic of proselytising, see Purivatra and Hadžijahić 1990: 24–7, and Malcolm 1995: 198.

²⁹ Imamović 1996: 55.

³⁰ Salkić 1997: 339.

³¹ *Ibid.*, 341.

³² 'Auszug' 1881.

recognised Islam and Muslims as an equal religious community in the Austrian half of the empire.³³ However, the Austro-Hungarian administration faced the problem of implementing the law. A new legal system could not be established overnight, and it would certainly not have been a wise political move to abolish the Sharia law that had been in force until then. The Habsburg administration followed a different path, initially retaining in principle the existing legal system and promoting its institutional integration into the state legal system in certain areas.³⁴ This meant, for example, the integration of the Sharia courts into the judiciary and making Sharia part of the monarchy's applicable law.

As a result of these measures, the *Mecelle* (the civil code of the Ottoman empire) found its way into the constitutional law of the Habsburg Monarchy and was used by both the Sharia courts and the civil courts.³⁵ Only those legal provisions that were in clear and direct conflict with the interests of the Austro-Hungarian occupying power remained exempt.³⁶ The state legal system retained its superior position vis-à-vis Sharia law, which, incidentally, was limited to the private law (especially that concerning personal status and inheritance) of Muslims. But these adaptations nevertheless shaped the essential features of the institutionalisation of Islam in Bosnia Herzegovina. When it came to the appointment of judges, for example, it was the Austro-Hungarian state that now had authority, since this process concerned political and legal sovereignty. The Bosnian and Herzegovinian ulema were of the opinion that there would be no objection from a Sharia perspective if the Sharia judges were appointed by a non-Muslim ruler.³⁷ They thought the Sharia courts would thereby gain importance and authority, the state would stand behind the jurisdiction of the Sharia courts, and the monarchy would pay for their organisation.³⁸ Another innovation in the area of procedural law was the creation of an appeals body. The Supreme Sharia Court was established at the Supreme Court in Sarajevo.³⁹ Karčić argues that from the perspective of the occupying administration, this innovation in the area of Sharia procedural law was intended to prepare Muslims in Bosnia Herzegovina for the adaptation of their legal regulations to the principles of European legal systems in the long term.⁴⁰

The eventual acceptance of the new, non-Muslim rule and the legal system associated with it, as well as the new organisational structures for the governance of Islamic religious affairs, was also a result of the change in the understanding of

³³ See Potz 2012.

³⁴ Bečić 2015: 108.

³⁵ Durmišević 2008: 83.

³⁶ *Ibid.*, 80.

³⁷ Šehić 1996: 11 ff.

³⁸ Karčić 2005: 22.

³⁹ Durmišević 2008: 96 ff.

⁴⁰ Karčić 2005: 24.

Sharia in its capacity as the legal system of Islam, as well as other processes of change and adaptation undergone by Bosnian Muslim thought and practices after the start of Habsburg rule. For Bosnian Muslims, having found themselves in a new, predominantly non-Muslim imperial context, which was subsequently to be understood as secular, it became all the more important that the new structures and regulations should guarantee freedom of religious practice, in both legal and socio-political terms.

Intellectually, these changes also entailed debates on the notions of 'progress' and 'renewal' in Muslim society. The question of how Islam should participate in the efforts for the 'renewal' of Bosnian and Herzegovinian Muslims was of great importance. Such questions were, of course, fundamental, requiring a rethinking of the way Islam and the Islamic religious and social traditions should be understood and defined in the face of profound political and social change. In fact, the experience of Bosnian and Herzegovinian Muslims from the late nineteenth century onwards seems to have revolved around two main questions: how Islam should be understood and what constituted it in practice in the Bosnian and Herzegovinian context, and to what extent reference should be made to it as the framework for social and political reform. It is the answers to these questions that ultimately shaped how Islam has been understood in Bosnia Herzegovina – what has recently come to be characterised as Bosnian Islam.

BOSNIAN ISLAM: A ROMANTIC IDEA OR BOSNIAN EXPERIENCE OF ISLAM?

From the point of view of its universal self-understanding (which incidentally also applies to Christianity), Islam does not limit itself to geography or territory. Therefore, such notions as that of Bosnian Islam are often seen as problematic or at risk of misunderstanding. For some conservative circles in Bosnia Herzegovina, it has been said in the past that 'Bosnian Islam' is sometimes a romantic idea that has as its only basis the practice and faith of Bosnian Muslims, regardless of whether there is evidence for it in Islam or not.⁴¹ Indeed, even contemporary Islamic theologians and scholars in Bosnia Herzegovina do not seem to want to speak of Bosnian Islam. Rather, most refer to 'Bosnian experience of Islam', a phrase coined by Karčić. Referring to the historical development and spread of Islam, Karčić points to the fact that the history of Islam is full of examples of certain practices – insofar as they did not explicitly contradict Islamic principles, from whatever area of Islam – being incorporated into Islam.⁴² In the Bosnian context, this has been the case exactly. The origins

⁴¹ See by way of example El-Misri 1993, the content of which is, in my view, too apologetic.

⁴² Karčić 2009: 121.

of many everyday practices performed by Muslims in Bosnia Herzegovina today cannot always be traced to the sources of the Islamic faith and its religious practices. Some even date from the pre-Ottoman period. During the long period of Islamic presence in the country, methods were devised for verifying whether such practices were compatible with Islamic legal norms. They were redefined against the background of Islamic legal standardisation. To the extent to which compatibility to Islamic norms was possible, they were Islamised and absorbed into the body of the Bosniaks' Islamic tradition. However, these practices never obtained a normative legal character, and despite the fact that they obtained a religious colouring and sometimes even became an integral part of religious services, they remained in the realm of common law.⁴³

The constitution of the IC today reflects the importance attached to these practices in the traditions of Bosnian Muslims and the role those traditions play in the Muslim population's religious identity. Article 4 of the constitution states that the organisation of the IC and its activities is based on the Islamic traditions of the Bosniaks, as well as on the Qur'an and the Prophet's Sunna.⁴⁴ The fact that the distinctive Islamic traditions of the Bosnian-Muslim population are mentioned in the IC's most important legal document clearly demonstrates a shared understanding of the unique characteristics of Bosnian Islam. At the same time, it can be assumed that this provision was inserted into the constitution to prevent conservative Wahhabi or Salafi groups from gaining influence in Bosnia Herzegovina. Muslims adhering to these groups were present both during and immediately after the Bosnian War, both as combatants from countries with Muslim populations and in humanitarian organisations. It would require a separate investigation to determine whether that did indeed motivate the inclusion of this provision in the constitution of the IC. For the purposes of this study, it is important to mention briefly that, in the period immediately following the end of the conflict, it was predicted that the presence and activities of these groups in Bosnia Herzegovina might result in Bosnian Islam's turn towards religious fundamentalism.⁴⁵

While the existence of these groups in Bosnia Herzegovina cannot be denied (nor can that of combatants from orthodox Christian countries fighting on the side of the Serbs), these predictions turned out to be wrong. Indeed, the influence of the Wahhabi and Salafi groups on the majority of the population has remained limited in the years following the conflict. On the one hand, the approach taken by the official IC clearly contributed to thwarting the attempts of these conservative groups to convert the local Muslim population to their understanding

⁴³ Ibid., 127.

⁴⁴ 'Constitution of the Islamic Community in Bosnia-Herzegovina from 1997', article 4.

⁴⁵ Tibi 1997: 21–8.

of Islam. This is despite the fact that the IC had been subject to justifiable and understandable criticism for not taking a tougher approach to these groups, and for not making a greater effort to undermine their influence. On the other hand, the population's distinctive Islamic traditions – the particular 'Bosnian experience of Islam' – appear to have prevented large sections of the Bosnian population from becoming susceptible to attempts at Wahhabi/Salafi proselytisation.

Nevertheless, there were times when there seemed to have been a change in the relationship between certain officials of the IC in Bosnia Herzegovina and such circles. This was reflected, for example, in the endeavours of the IC's former Reis-ul-Ulema (1993–2012), Mustafa Cerić, to establish relations with these groups. It was probably motivated by at least two factors. First, one can assume that there was an attempt to establish a degree of control over these groups' activities and to limit or, at the very least, manage their influence on the larger population. Second, there was perhaps a wish to strengthen the national unity of all Muslims in Bosnia Herzegovina, against the background of the war crimes committed against them during the conflict. For the IC views itself as – or at least claims to be – not only the religious organisation of Bosnian Muslims, but also the guardian of Bosniaks' national identity. There is, of course, debate over the term Bosniak and questions pertaining to their national identity, and Bosnian nation-building has been argued over in political and academic circles. Indeed, these are some of the 'most controversial topics in Southeast European studies'.⁴⁶ Despite those debates and their potential legitimacy, the attempted opening of the Bosnian IC to followers of Wahhabism and Salafism – an approach advocated by Cerić – has been the subject of heavy criticism. That criticism has come both from the IC itself and from wider Bosnian society, and has to an extent been influenced by the critics' religious and political ideas. Of course, some of it has a religious-ideological background. The rapprochement of the IC with Salafist or Wahhabi circles was criticised, for example, by representatives and adherents of both the Sufi and Shi'a denominations of Islam.⁴⁷ While so-called Bosnian Islam belongs in a theological-legal sense to the Sunni branch of Islam, the population's religious activities are influenced by the presence of Sufi traditions, many of which contain attributes typically found in Shi'a Islam. The war in Bosnia Herzegovina resulted in the noticeable presence of Wahhabi and Salafi tendencies, but Shi'a also attempted to gain a footing. This is evidenced by the establishment of an Iranian cultural centre in Sarajevo, managed by the Iranian embassy, and the opening of a Bosnian–Persian college near the city. A research institute named after Ibn Sina and closely allied to the Shi'i orientation of Islam was also established in Sarajevo.

⁴⁶ Dick 2003: 5.

⁴⁷ Hafizović 2010: 26–8.

Bosnian Islam, then, or rather the ‘Bosnian experience of Islam’, has been an evolving tradition, shaped by the transformations that occurred under Austro-Hungarian rule (most notably the establishment of the IC) and by the significant political and social changes of the previous century. Its ‘distinctive’ nature and peculiarities, some of which have been discussed above, can be traced further in the constitutional provisions of the IC. Article 4 of the constitution contains a clause that makes allowances for the numerous historical changes in the country, as discussed in the previous section. But the article also speaks of the ‘requirements of the times’, which, with the aforementioned Qur’an, Sunna and Islamic tradition of the Bosniaks, are considered the basis for the IC’s organisation and activities. This constitutional provision thus unites socio-political developments and their influence on the content of lived Islam in Bosnia Herzegovina (as well as the necessity of a constant review of such content to ensure its theological and legal conformity to Islam), and also on the organisation of the IC as an institution. Given this framework, one can speak of traditions that are constitutionally sanctioned within the IC, as well as maintaining an openness to Islamic reform. It is this openness and the endeavour of the IC to develop a structure allowing the everyday practices and activities of Bosniaks and their Islamic institutions to adapt to socio-political and ideological upheaval that characterise the Bosnian experience of Islam.

CONCLUDING REMARKS

Islam has been practised in Bosnia Herzegovina in different social and political contexts for centuries. Therein lies the experience of Bosnian Islam: that it has (almost) always been able to react to the most diverse challenges – social, political, cultural and ideological – and, if necessary, adapt to them within the framework of fundamental Islamic doctrine. Throughout their centuries-long Islamic history and tradition, Muslims in Bosnia Herzegovina have known how to preserve their affiliation to Islam while always keeping an eye on their European roots and autonomy. The period of the Austro-Hungarian Monarchy is probably the best evidence of this. It was also their experience under Habsburg rule, as well as the legacy of this experience for the current institutional and religious structures of Bosnian Muslims, that is referred to specifically when Bosnian Islam is characterised as a model for ‘European Islam’. From the establishment of the IC, which has become the central religious institution in the lives and religious practices of Bosnian Muslims, to the repositioning of Islam as the decisive determinant of the ethno-national self-understanding of Bosniaks, the legacy of this period played a significant role in the shaping of the Bosnian experience of Islam from 1878 onwards.

Bosnian experience meant that Bosnian Muslims became accustomed to

living an Islamic life within a multi-religious society. Therefore, they see no contradiction – whether in lived faith or Islamic doctrinal debate – in living in such a society. One can claim that Islam is very present as a religious orientation in their lives, while they retain an extraordinarily strong sense of ‘European values’ and being part of Europe. The Bosnian theologian Ahmet Alibašić summarises the main characteristics of Bosnian Islam as follows: 1) secularised, 2) civic and non-violent, 3) democratic and pluralistic and 4) nationalised.⁴⁸ He notes not only that Bosnian Muslims lived in secular states from the late nineteenth century onwards, but also that they accepted this legal status quo in which the religious and moral norms of the Sharia were applicable, while Islamic legal norms were also transformed into moral norms. The IC, in fact, has repeatedly confirmed its commitment to the separation of the state and religious communities. As indicated above, despite talk of the threat of Islamic terrorism in the Balkans, and the influence of Salafi or Wahhabi circles, Bosnian Muslims remained peaceful, non-violent, civic and respectful of national laws and norms. The impact of ultra-conservative interpretations of Islam has been very limited, and there has been no major attack on non-Muslim or European targets. Alibašić also argues that Bosnian Islam is democratic and pluralistic, meaning participatory and inclusive, characteristics that are probably irreversible. The inclusive and participatory nature of the IC, ‘a melting pot of sorts’, begets pluralism, and the ‘inclusion of non-clerics further moderates Bosnian Islam and directs it towards the mainstream.’⁴⁹

Since Bosnian Islam is also nationalised, having become the main denominator of Bosniaks’ ethno-national identity, religious and national identities often underpin each other. While Bosnian Muslims ‘are very pragmatic when it comes to balancing patriotism and faithfulness to their culture with allegiance to their religious principles’, as Alibašić suggests, ‘it is often difficult to say where Islam stops, and national culture begins.’⁵⁰ According to him, this can be seen as an obstacle for any endeavour to ‘export’ Bosnian Islam as a model within Europe more widely. Bosnian Islam is certainly not a panacea, indeed, or a final model for solving complex and often context-driven questions concerning Islam and Muslims in the European context, particularly in Western European countries. However, there is no question that Bosnian experience of Islam can help us tackle those questions and not just for Europe but for Muslims, too. The question of the institutionalisation of Islam, for example, which is often discussed with regard to Muslims in Europe, is one area where the IC of Bosnia Herzegovina, despite its limitations, can be a source of inspiration.

⁴⁸ Alibašić 2007.

⁴⁹ *Ibid.*, 6.

⁵⁰ *Ibid.*

BIBLIOGRAPHY

- Alibašić, Ahmet (2007), 'The Profile of Bosnian Islam and How West European Muslims Could Benefit from It', lecture given at 'Bosnian Islam for Europe', a conference of the Diocese of Rottenburg-Stuttgart, Stuttgart, 16–17 November 2007, www.akademie-rs.de/fileadmin/user_upload/download_archive/interreligioeser-dialog/071116_albasic_bosnianislam.pdf.
- 'Allerhöchste Entschließung vom 15. April 1909, betreffend das Statut über die autonome Verwaltung der islamitischen Religions-, Stiftungs- und Schulangelegenheiten in Bosnien und der Herzegovina', in *Gesetz- und Verordnungsblatt für Bosnien und die Herzegovina*, LGBL. (Act number not available)/X, 15 April 1909, ser. no. 49, year 1909, issued 1 May 1909, p. 419.
- 'Auszug aus dem Circularerlasse der Landesregierung für Bosnien und die Herzegovina vom 5. November 1881, Z. 2698/Pr. betreffend die Behandlung der Mohamedaner während der activen Militärdienstzeit', in *Sammlung der Gesetze und Verordnungen für Bosnien und die Herzegovina*, LGBL., Z 2698/Pr./X, 5 November 1881, ser. no. 237, year 1881, issued 5 January 1882, pp. 714–18.
- Azapagić, Mehmed Teufik (1990), 'Risala o hidžri', *Anali Gazi Husrev-begove biblioteke* XV–XVI, pp. 197–222.
- Balić, Smail (1995), 'Bošnjaštvo u orijentalnom i srednjoeuropskom kontekstu', in *Bosna u egzilu 1945–1992*, Zagreb: Preporod, pp. 154–60.
- Bauer, Thomas (2011), *Die Kultur der Ambiguität*, Berlin: Verlag der Weltreligionen.
- Bečić, Mehmed (2015), 'Austrougarska reforma pravosuđa i građanskog postupka u Bosni i Hercegovini', *Godišnjak Pravnog fakulteta u Sarajevu* LVIII, pp. 107–24.
- Bieber, Florian (1999), *Bosnien-Herzegowina und der Libanon im Vergleich: Historische Entwicklung und politisches System vor dem Bürgerkrieg*, Sinzheim: Pro Universitate.
- Bojić, Mehmedalija (2001), *Historija Bosne i Bošnjaka*, Sarajevo: Šahinpašić.
- Cerić, Mustafa (1994), *Islam u Bosni*, Sarajevo: Vijeće Kongresa bosanskomuslimanskih intelektualaca.
- 'Constitution of the Islamic Community in Bosnia-Herzegovina from 1997', official website of the Islamic Community, www.islamskazajednica.ba/images/stories/Ustavi/Ustav_IZ-e_iz_1997.pdf (accessed January 2024).
- Čupić-Amrein, Martha M. (1986), *Die Opposition gegen die Österreich-ungarische Herrschaft in Bosnien-Herzegowina 1878–1914*, Berne, Frankfurt am Main and New York: Peter Lang.
- Dick, Christiane (2003), *Die Bošnjaštvo-Konzeption von Adil Zulfikarpašić. Auseinandersetzung über den nationalen Namen der bosnischen Muslime nach 1945*, Digitale Osteuropa-Bibliothek, <https://epub.ub.uni-muenchen.de/549/1/dick-bosnjastvo.pdf>.
- Durmišević, Enes (2002), *Uspostava i pravni položaj Rijaseta Islamske zajednice u Bosni i Hercegovini 1882–1899*, Sarajevo: Magistrat.
- (2008), *Šerijatsko pravo i nauka šerijatskog prava u Bosni i Hercegovini u prvoj polovini XX stoljeća*, Sarajevo: Pravni fakultet Univerziteta u Sarajevu.
- Džaja, Srećko M. (2002), *Die politische Realität des Jugoslawismus (1918–1991): Mit besonderer Berücksichtigung Bosnien-Herzegowinas*, Munich: Oldenbourg and Südost-Institut München.

- El-Misri, Imad (1993), *Shwatanja koja trebamo ispraviti*, Travnik: Ebu Abdullah, SDO (Švedska Davetska Organizacija).
- Filandra, Šaćir (1998), *Bošnjačka politika u XX Stoljeću*, Sarajevo: Sejtarija.
- Gathmann, Florian, and Anna Reimann (2016), 'Populismus-Offensive: Union macht auf Sarrazin', *Der Spiegel*, 19 February, www.spiegel.de/politik/deutschland/o,1518,750066,00.html.
- 'Gesetz über den Wirkungskreis der Scheriatogerichte, vom 16. Sefer 1276 (1860)', in *Sammlung der für Bosnien und die Hercegovina erlassenen Gesetze, Verordnungen und Normalweisungen*, vol. II, Vienna: Justizverwaltung, 1880, pp. 476–81.
- Hadžijahić, Muhamed (1977), 'Procesi saživljavanja sa zapadno-evropskom civilizacijom', in *Islam i muslimani u Bosni i Hercegovini*, ed. Muhamed Hadžijahić, Mahmud Traljić and Nijaz Šukrić, Sarajevo: Starješinstvo Islamske zajednice u SR Bosni i Hercegovini.
- Hafizović, Rešid (2010), 'Nema novih i starih muslimana, ali ima vehabija', *Pogledi, Sedmični politički magazin, Oslobođenje*, 31 July, pp. 26–8.
- Halilović, Safet (1995), 'Međunarodno-pravni dokumenti i položaj bosanskih muslimana', *Glasnik LVII* (7–9), pp. 266–81.
- Hanotaux, Gabriel (1908), 'Le Congres de Berlin', *Revue des deux Mondes LXXVIII* (10), pp. 481–514, available at <http://gallica.bnf.fr/ark:/12148/bpt6k4318191.r=?rk=85837;2>.
- Huković, Muhamed (1992), *Zaboravljena baština*, Zagreb: Izdavač Ismet Šaćirović.
- Imamović, Mustafa (1994), 'Pregled razvitka Islamske zajednice u Bosni i Hercegovini', *Glasnik LVI* (1–3), pp. 53–63.
- (1996), *Bošnjaci u emigraciji: Monografija Bosanskih pogleda 1955–1967*, Sarajevo: Bošnjački institute.
- (1997), *Pravni položaj i unutrašnje-politički razvitak Bosne i Hercegovine od 1878 do 1914*, Sarajevo: Bosanski kulturni centar.
- (1998), *Historija Bošnjaka*, Sarajevo: Bošnjačka zajednica kulture Preporod.
- Jakšić, Grgur (1955), *Bosna i Hercegovina na Berlinskom kongresu: Rasprava iz diplomatske istorije*, Beograd: Srpska akademija nauka.
- Juzbašić, Dževad (2011), 'O etničkom razvitku Bosne i Hercegovine', *Revija slobodne misli* 31, pp. 23–34, Sarajevo: Asocijacija nezavisnih intelektualaca Krug 99.
- Karčić, Fikret (2004), *Bošnjaci i izazovi modernosti: Kasni osmanlijski i habsburški period*, Sarajevo: El-Kalem.
- (2005), *Šerijatski sudovi u Jugoslaviji 1918–1941*, Sarajevo: Fakultet islamskih nauka u Sarajevu, El-Kalem.
- (2009), 'Šta je to islamska tradicija Bošnjaka', in *Islamske teme i perspektive*, Sarajevo: El-Kalem, pp. 121–32.
- (2011), 'Služba Reisul-uleme kod Bošnjak', in *Studije o šerijatskom pravu i institucijama*, Sarajevo: El-Kalem, Centar za napredne studije (CNS), pp. 309–19.
- Karić, Enes (2004), 'Islamsko mišljenje u Bosni i Hercegovini XX stoljeća', in *Prilozi za povijest islamskog mišljenja u Bosni i Hercegovini XX stoljeća*, Sarajevo: El-Kalem, pp. 19–121.
- Kico, Ahmed (1998), *Učenje i djelo Ahmeda Bureka*, Travnik: Borac.
- Kiefer, Michael (2010a), 'Der Gott der kleinen Dinge: Das gemeinsame betonen', *MiGAZIN*, 19 February, www.migazin.de/2010/02/19/der-gott-der-kleinen-dinge.

- (2010b), 'Zielsetzungen einer Imamausbildung in Deutschland: Vom einfachen Vorbeter zum multifunktionalen Akteur?', in *Imamausbildung in Deutschland: Islamische Theologie im europäischen Kontext*, ed. Bülent Ucar, Göttingen: V&R university, Universitätsverlag Osnabrück, pp. 185–92.
- Kraljačić, Tomislav (1987), *Kalajev režim u Bosni i Hercegovini 1882–1903*, Sarajevo: Veselin Masleša.
- Maglajlić, Munib (2002), 'Bošnjaci i Bosna: Ogledanje na temu ime, jezik i pismo, domovina, država', *Muallim, Časopis za odgoj i obrazovanje*, 14/54, pp. 44–9, www.ilmijja.ba/ojs/index.php/casopis1/article/view/333/301.
- Malcolm, Noel (1995), *Povijest Bosne*, Zagreb: Erasmus.
- Nakičević, Omer (1996), 'Uvod', in *Istorijski razvoj institucije Rijaset*, Sarajevo: Rijaset Islamske zajednice u Bosni i Hercegovini, pp. 3–5.
- Neupauer, Josef (1884), *Viribus Unitis: Wie könnte die europäische Cultur nach Bosnien verpflanzt werden?*, Vienna: www.gutenberg.org/ebooks/29905.
- Omerika, Armina (2013a), 'Der Islam in Jugoslawien in den langen 1960er Jahren', in *Jugoslawien in den 1960er Jahren: Auf dem Weg zu einem (a)normalen Staat*, ed. Hannes Grandits and Holm Sundhausen, Wiesbaden: Harrassowitz, pp. 295–320.
- (2013b), *Muslimische Stimmen aus Bosnien und Herzegowina: Die Entwicklung einer modernen islamischen Denktradition*, Freiburg im Breisgau: Herder Verlag.
- Potz, Richard (2012), *100 Jahre österreichisches Islamgesetz*, Vienna: Bundesministerium für europäische und internationale Angelegenheiten.
- Purivatra, Atif, and Muhamed Hadžijahić (1990), *ABC Muslimana*, Sarajevo: Muslimska biblioteka Bosna.
- Rizvić, Muhsin (1990), *Bosansko-muslimanska književnost u doba preporoda 1887–1918*, Sarajevo: El-Kalem.
- Salkić, Muhamed (1997), 'Štatut i ustavi Islamske zajednice do 1945', in *Takvim za 1998*, Sarajevo: Rijaset Islamske zajednice u Bosni i Hercegovini, pp. 339–68.
- Schmid, Hansjörg (2008), 'Brücke zur islamischen Welt: Was die bosnischen Muslime modellhaft macht', *Herder Korrespondenz* 62 (2), pp. 98–103.
- Šehić, Nusret (1996), 'Ustrojstvo Islamske vjerske zajednice pod austrougarskom upravom', in *Istorijski razvoj institucije Rijaset*, ed. Omer Nakičević, Sarajevo: Rijaset Islamske zajednice u Bosni i Hercegovini, pp. 9–17.
- Tibi, Bassam (1997), 'Der bosnische Islam: Von säkularer Religion zum Fundamentalismus?', *Internationale Politik* 7 (52), pp. 21–8.
- 'Verordnung über die Organisation und den Wirkungskreis der Scheriatogerichte', in *Sammlung der Gesetze und Verordnungen für Bosnien und die Hercegovina*, LGBI.-no. Z7220/III, 30 October 1883, no. 135, year 1883, pp. 538–42.

Muslims and the State in Post-socialist Croatia

DINO MUJADŽEVIĆ

INTRODUCTION

The contemporary Muslim population in Croatia is a small, predominantly Sunni Hanafi group comprising less than 2 per cent of the total population, concentrated in the country's capital and industrial centres.¹ Muslims in Croatia are predominantly of South Slavic background, but there are also some of Albanian, Roma and Turkish origin, and the number of those with non-European ancestry is increasing with recent waves of immigration. The religious life of Muslims in Croatia is dominated almost completely by the main Muslim organisation, the Islamic Community in Croatia (Islamska zajednica u Hrvatskoj; hereafter ICC), which is led by a mufti and operates five mosques and more than twenty masjids around the country. The ICC is party to an agreement with the Croatian state providing legal recognition, protection for ICC members and financial support for its activities. Both this agreement and the founding statute of the ICC refer to the 1916 Law on Recognition of Islam in the Kingdoms of Croatia and Slavonia (Zakon o priznanju islamske vjeroispovijesti u kraljevinama Hrvatskoj i Slavoniji; hereafter the 1916 Recognition Act) as a precedent for the current status of the ICC – an Act that was brought in by the parliament of what was then the Kingdom of Croatia and Slavonia, part of the Hungarian territories of the Austro-Hungarian empire. In other words, relations between the ICC and the state today originate partly in a framework that was drawn up under Habsburg rule. The historical importance

¹ Ideas presented in this chapter rely partially on the author's earlier publications on Islam and Muslims in contemporary Croatia. The use of ideas from these articles and books is noted in citations.

of the 1916 Recognition Act has also been highlighted frequently by the leadership of the ICC to legitimise and solidify the community's position in the public sphere of contemporary Croatia.

This chapter aims to discuss the demographic characteristics, status and organisation of the Muslim community in Croatia today, and its relationship with the state. With the history of Islam–state relations, going back to the 1916 Recognition Act, in the background, the chapter will focus on the trajectory of these relationships after the collapse of the Socialist Federal Republic of Yugoslavia (*Socijalistička Federativna Republika Jugoslavija*; hereafter SFRY or Yugoslavia) and Croatian independence. It will be argued that although the Croatian state and Muslims have had a relatively good relationship dating back to the Austro-Hungarian-era recognition of Sunni Hanafi Islam, the ICC faced several challenges after Croatia's independence, and these challenges led to transformations in the community's relations with the state. First, Muslims and the ICC had to adjust to the more prominent status and public visibility of religion in Croatia after the fall of the socialist regime. This was a transition from a context in which Muslims were perceived as a constituent part of society to the political environment of independent Croatia, where Muslims are seen, by and large, as an ethnic minority. Second, Muslims in Croatia were affected by the rise and fall of Croatian nationalist Islamophilia in the 1990s. Initially a strong current among many Croatian nationalists, Islamophilia weakened as the priorities of the Croatian state regarding Bosnia Herzegovina changed under President Franjo Tuđman and during the so-called Bosniak–Croat War in 1993–4. While the confrontation was relatively brief, it damaged the previously warm relationship between the ICC and the Croatian government. This situation changed for the better only after the death of Tuđman in 1999 and the political demise of his party in 2000.

Finally, and most importantly, the ICC's positioning itself as an independent religious organisation while retaining its ties with the Islamic establishment in Bosnia Herzegovina has proved a challenge. The very practical organisation of Muslim religious life in Croatia before the 1990s was shaped by the Islamic authorities in Bosnia (themselves part of the officially recognised Yugoslav Islamic structure, and the one under Austro-Hungarian rule before that), and Muslim practices and clergy are still under heavy Bosnian influence. Not only did the ICC retain its nominal alignment with Islamic authorities in Bosnia after Croatia's independence, it is also strongly associated with the Bosniak ethnic identity. This chapter also aims to map the difficult and complex terrain on which the ICC operates, and the 'in-between' position its leadership tries to preserve.

MUSLIMS IN CONTEMPORARY CROATIA: DEMOGRAPHIC
CHARACTERISTICS

According to the 2011 census, which among other data recorded self-declared religious and ethnic affiliation, there were only 62,977 Muslims by religion in the Republic of Croatia. This constituted 1.47 per cent of the country's population (4.281 million inhabitants). Geographically, Muslims were dispersed unevenly: 28.7 per cent of the Muslim population was in the Zagreb metropolitan area (City of Zagreb), 16.9 per cent was in Primorje-Gorski Kotar, 15.8 per cent was in Istria, 6.6 per cent was in Sisak-Moslavina, 4.6 per cent was in Dubrovnik-Neretva, 4.2 per cent was in Vukovar-Syrmia and 3.4 per cent was in Karlovac counties (*županije*). Most Croatian Muslims, therefore, lived in the capital, Zagreb, and the former industrial centre and port of Rijeka, located in Primorje-Gorski Kotar (in addition to the neighbouring region of Istria). Although no official data were available regarding their sectarian or denominational differences, it can be safely claimed that the majority of Muslims in Croatia are Hanafi Sunnis, as they have their origins in the Ottoman Balkans, with only a small number of Muslims belonging to other Sunni schools, Twelver Shi'ism and the Ahmadiyya community.²

According to the 2011 census, the ethnic identity of the Muslim population in Croatia was fragmented. The census data also suggested that Croatian Muslims were largely of South Slavic (Bosnian) Muslim background. They were migrants, or the offspring of migrants, who came during the socialist period and were mostly from Bosnia Herzegovina, Sandžak and Montenegro. In 2011 Bosniaks were the largest ethnic group among Muslims in Croatia, composing 44 per cent of all Muslims living in the country. Bosniaks in Croatia are a predominantly Muslim group, with 88 per cent identifying themselves as Muslim in terms of religion. The total number of Bosniaks in 2011 was 31,479, which was significantly higher than recorded in the 2001 census: 20,755. In 2011, they constituted only 0.73 per cent of the Croatian residents, but they were nevertheless the second-largest ethnic minority in the country, after Serbs.

It should be emphasised that the numerical rise of the Bosniaks between 2001 and 2011 was not caused by immigration or an increased birth rate. Rather, it was the result of a change in the group's ethnic self-perception. The number of those who had declared themselves 'ethnic Muslims' fell sharply from 19,677 in the 2001 census to just 7,558 in 2011, as the use of Muslim as an ethnic category was discontinued and Bosnian Muslims started

² 'Popis Stanovništva 2011' (Population Census 2011), Croatian Bureau of Statistics, <https://dzs.gov.hr/istaknute-teme-162/popisi-stanovnistva-2/popis-stanovnistva-2011/196> (accessed 31 March 2022). For more detailed information on the Muslim population in Croatia, see Mujadžević 2021.

identifying as Bosniaks. The Bosniak NGOs in the country, in preparation for the 2011 census, organised an intensive campaign to boost the acceptance of the Bosniak self-identity and denounce ethnic Muslim self-identification – the norm in socialist Yugoslavia – as a thing of the past. Likewise, the embrace of Croat ethnic self-identification by those who were Muslims by religion also increased in 2011 from previous censuses. This was the result not of the presence of an indigenous, ethnically Croat Muslim population or of conversion to Islam by Croats, but of the decades-long ethnic assimilation of the primarily South Slavic Muslim population from Bosnia, Sandžak and Montenegro. In addition, a large number of Muslims in Croatia belonged in 2011 to the Albanian ethnic group (17,513; 0.41 per cent of the Croatian populace), a community predominantly encompassing those with a personal or family background of immigration from Kosovo and North Macedonia during the socialist era. Albanians in Croatia are much more religiously diverse than Bosniaks; in 2011, slightly more than half (54 per cent; 9,594) declared themselves Muslim, and the rest identified as chiefly Roman Catholic. Some 29 per cent of the Croatian Roma population (16,975 people, just 0.4 per cent of all Croatian residents) also self-identified as Muslim. The Muslim portion of the Roma population in Croatia has origins in Bosnia Herzegovina, Serbia, Kosovo and North Macedonia.³

At the time of writing, most of the results of the 2021 census, including information on religious and ethnic affiliation, have not been published, but some insight into the population developments between 2011 and 2021 can still be gathered from it and other sources. On the one hand, the data from 2021 that has been made available shows a sharp decline in the overall population of Croatia in this period: from 4.28 million to 3.89 million. This decline, caused primarily by a low birth rate and emigration after Croatia joined the European Union in 2013, may also have affected the number of Muslims in Croatia.⁴ On the other hand, there has also been an influx of Muslim refugees and migrants in the last decade from western Asian and northern African countries, most notably Syria, Afghanistan, Yemen, Iran and Turkey. Previously, the immigration of Muslims from outside former Yugoslavia was negligible, but this has changed under the new circumstances. Nevertheless, the number of people of non-European Muslim background seeking refugee status in Croatia in the last few years has been relatively small. In 2017–19, only about 250 Syrian refugees were allowed to settle in Croatia from Turkey. In 2020, there were 1,932

³ 'Popis Stanovništva 2011'; Mujadžević 2021; Mujadžević 2014b: 292–4.

⁴ 'Croatia's Population Has Shrunk by 9.25% Since 2011 as Youngsters Leave for Other EU Countries', SchengenVisaInfo News, 18 January 2022, www.schengenvisa.info.com/news/croatias-population-has-shrunk-by-9-25-since-2011-as-youngsters-leave-for-other-eu-countries.

asylum-seekers, mostly from Afghanistan (934) and Iraq (435). Between 2006 and 2020, only 800 people were granted international protection.⁵

THE ORGANISATION OF THE MUSLIM COMMUNITY IN CROATIA: A BRIEF OVERVIEW

Representing by far the largest section of Muslims in Croatia, the ICC is officially recognised as a religious community and funded by the state to a significant degree. It was, until 2013, the only registered Islamic organisation in Croatia. According to its officials, only a small proportion of the people who attend mosques and other prayer facilities are officially members of the ICC.⁶ In 2002, the ICC signed an agreement with the Croatian government that has provided it with state support and recognition. It operates five mosques (with minarets, in Zagreb, Rijeka, Gunja, Bogovolja and Sisak) and approximately twenty masjids in various localities. During the 1990s and 2000s, the ICC continued to strengthen owing to the influx of Muslims – mostly refugees – from Bosnia, as well as from Albanian-speaking regions of the former Yugoslavia. The network of local Islamic Communities (*jamaat*; *džemati* in Croatian) had by the 2010s expanded to include all major Croatian towns, as well as some villages in the vicinity of the border with Bosnia, in the regions of Slavonia and Kordun. In 1999, Ševko Omerbašić, president of the Mešihat (the office of the Islamic authority) in Croatia, was confirmed by the Reis-ul-Ulema (head of the religious community; Grand Mufti) of Bosnia Herzegovina, Dr Mustafa Cerić, as mufti of Croatia. He was succeeded by Aziz Hasanović in 2012. As will be discussed in more detail below, this confirmation of the mufti in Croatia by the Islamic authority in Bosnia is only one indication of the close relationship between the ICC and the Islamic Community in Bosnia and Herzegovina (Islamska zajednica u Bosni i Hercegovini; hereafter ICBH).

In 2006, the ICC established a private Islamic secondary school (Islamska gimnazija), and since 2010 the Centre for Halal Quality Certification of the ICC has been operating in Zagreb. Companies certified by the centre are obliged to label their halal-certified products with a logo, and since 2011 the centre has awarded halal certificates to several Croatian restaurants and hotels. The

⁵ 'Statistički pokazatelji osoba kojima je odobrena međunarodna zaštita u Republici Hrvatskoj zaključno do 31.12.2020' (Statistical Indicators of Persons Granted International Protection in the Republic of Croatia Up to and Including 31 December 2020), Croatian Ministry of Interior, <https://bit.ly/3acOGM1> (accessed 1 April 2022); 'Governance of Migrant Integration in Croatia', European Commission, www.ec.europa.eu/migrant-integration/country-governance/governance/croatia_en (accessed 2 April 2022).

⁶ For the history of the ICC, see Omerbašić 1999, Hasanbegović 2007 and Mujadžević 2014a. All historical information in this chapter is based on these main publications. Interviews with ICC officials were conducted by the author.

ICC also organises the ritual sacrifice on the occasion of the Islamic Holiday of Sacrifice in association with a local meat-processing company. According to the Law on the Legal Status of Religious Communities (*Zakon o pravnom statusu vjerskih zajednica*), dating from the socialist period but amended after the establishment of the Republic of Croatia, the ICC, in common with other recognised communities, has the right to organise a chaplaincy (*dušobrižništvo*) in health and social-care institutions, prisons and penitentiaries, the military and the police. The details concerning the exercising of these rights were specified in 2002 in the agreement with the Croatian government.⁷

The ICC (and its direct organisational predecessors) has had a continuous presence in Croatia since 1919, but it also claims unofficially to be the inheritor of the extinguished traditions of Muslims and Islam in eastern and southern parts of Croatia from the medieval and Ottoman periods. Formally speaking, the ICC emerged from the Croatian chapter of the Bosnian section of the Islamic Community in Yugoslavia (*Islamska zajednica u SFRJ*; hereafter ICY). After the dissolution of Yugoslavia in the early 1990s, the ICY largely disintegrated and divided, but two closely aligned Muslim organisations – the ICBH and the ICC – eventually emerged from it, in 1993 and 1994, respectively.

Although the ICC is independent, it acknowledges the seniority of the ICBH, which is seen as a mother organisation. Since its formal establishment and despite its supposed supra-ethnic character as a Sunni Islamic organisation, the ICC has been practically dominated by people who identify ethnically as Bosniak. Bosnian Muslims have also traditionally been the dominant group among the Islamic clerics (*ulema*) ever since the beginning of organised Islam in modern Croatia. Additionally, the seniority of the ICBH over the ICC is not simply symbolic. Muslims in Croatia have always had very strong organisational, educational, cultural and personal ties with Bosnian Islam, and these ties persist in the current workings of the ICC. The Croatian state was supportive of such ties under the Austro-Hungarian empire, although by the time the Habsburg Monarchy collapsed, in 1918, the Islamic organisation in Croatia had not been established *per se*, and the number of local Muslims was negligible. The 1916 Recognition Act had also taken into account the ties between Bosnian and Croatian Muslims by proclaiming that the Islamic Community in Croatia had a green light to organise its activities ‘in relation to the Muslim confessional structure in Bosnia’, and that Bosnian Islamic clergy could work in this capacity in Croatia. This attests to the fact that the Croatian authorities in 1916 condoned, and even supported, the twofold allegiance of Croatian Muslims to both Bosnian Islam and nascent Islam in Croatia.⁸

⁷ For a more detailed discussion, see Mujadžević 2021.

⁸ For the text of the law, see *Sbornik 1916*: 150–9. See also Mujadžević 2015: 32.

By the 1990s, the demographic dominance of Bosniaks among Muslims in Croatia, and their cultural, spiritual and educational dependence on Bosnian Islam, was so apparent that all imams, and a large majority of other personnel of the ICC and its organisational antecedents, had a Bosnian Muslim background. In fact, most of them were born and grew up in Bosnia, including the longest-serving chief imams of the Zagreb Mosque in the 1980s and 1990s, Mustafa Cerić and Ševko Omerbašić. Bosniak ulema from Zagreb also played an important role in the ICBH leadership in Sarajevo; in 1993, Cerić, a Bosnian-born imam with a long career in Croatia, became Reis-ul-Ulema of the ICBH and moved to Sarajevo. In the ICC, the Bosnian version of the Middle South Slavic idiom is used as the main language of Islamic religious instruction, as well as for sermons, correspondence and official documents, and Albanian is used only occasionally. During the 1990s, the dominance of the ulema of Bosnian origin weakened slightly with the appearance of the first imams of Albanian origin, Aziz Alili and Mevludin Arslani, serving at the Islamic Centre in Zagreb. In addition to the ICC, another, albeit much smaller, registered religious community has since 2013 self-identified as Islamic: Ahmadiyya Muslim Community in Croatia (Ahmadija muslimanski džemat u Hrvatskoj). This Ahmadiyya *jamaat*, which belongs to the worldwide Ahmadiyya Muslim Community, is however not recognised as Islamic by the ICC.

DISSOLUTION OF THE ISLAMIC COMMUNITY OF YUGOSLAVIA AND
ORGANISATIONAL EMANCIPATION FROM BOSNIA HERZEGOVINA:
A CROATIAN MUSLIM COMMUNITY IN THE MAKING?

These events caused a major rupture and introduced a new era for organised Islam in the Republic of Croatia. Additionally, the position of religion in a post-socialist society and the acceptance in 1993 of Bosniak self-identification in lieu of the ethnic Muslim category by the Bosnian Muslim political, religious and intellectual elites thoroughly changed the framework within which the Islamic organisation in Croatia functioned. In 1993, during a meeting in besieged Sarajevo, the assembly (*Sabor*) of representatives of the Bosniak-dominated portion of the ICY endorsed the Constitutional Decree of the Islamic Community of the Republic of Bosnia and Herzegovina (*Ustavna odluka Islamske zajednice Republike Bosne i Hercegovine*), which accepted as fact the dissolution of Yugoslavia and affirmed the new situation on the ground by dissolving the ICY and establishing a completely separate Islamic organisation centred in Sarajevo. The issue of the Islamic organisation in Croatia, which had hitherto been handled as an appendage of the Bosnian Islamic structure, together with the Islamic organisation in Slovenia, was not mentioned in this wide-ranging document. Nevertheless, the Constitutional Decree proclaimed

that ‘all Bosnian Muslims, temporarily or permanently residing in foreign countries’, are part of the ICBH. A supplementary Constitutional Decree, adopted in 1994, described the ICC explicitly as belonging to the ICBH. It also described it, for the first time, as a governing body, a Mešihat, for Croatia (and Slovenia), signalling the increased importance of Zagreb as a centre of Islamic religious activity.

Despite these proclamations envisaging the Croatian Islamic organisation as an inseparable appendix to the Bosnian one, the ongoing war and separation of republics emerging from the former Yugoslavia resulted, in effect, in the separation of the Islamic organisation in two countries. Therefore, the seniority and oversight of the Bosnian Islamic supreme administration (Rijaset) and its head, the Reis-ul-Ulema, in Sarajevo over Croatian Muslims became nothing more than theoretical and ceremonial. By 1994, the ICC had adopted its current name and in practice started working separately, not only from Bosnia, but also from its Slovenian sister organisation. After the war ceased in 1995, the ICC was again represented by delegates at conventions and at other higher governing bodies of the ICBH, but Sarajevo’s effective control over the ICC disappeared for good. This situation of theoretical adherence by the ICC to the ICBH was nevertheless sustained by both parties and was confirmed by provisions in their foundational legal documents.

The new constitution of the ICBH (Ustav Islamske zajednice u Bosni i Hercegovini), adopted in 1997, officially proclaimed the Mešihat of the ICC, as well as similarly structured Mešihats in Slovenia and Sandžak, ‘as an integral part of the ICBH’.⁹ Several other provisions from the constitution formally determined the ties between two Islamic organisations in adjacent countries, including the nominal inferiority of the ICC in relation to the ICBH. For example, §1 described the ICBH as ‘the one and unique community of Muslims [by religion] in Bosnia and Herzegovina, Bosniaks in diaspora and other Muslims who accept it as their own’. The ICBH constitution stressed the idea that Bosniak Islamic organisations abroad were expected to follow the leadership in Sarajevo, implying that the city was the religious and cultural focal point for all Bosniaks. It also implied that *all* Bosniaks were or should be Muslims in terms of religion. Also, §80 stipulated that Islamic Communities in Croatia, Slovenia and Sandžak were to decide on ‘the organisation of religious life themselves’, yet ‘in harmony with the ICBH Constitution’. The *de facto* autonomy of the ICC in all important matters was not challenged, however.

⁹ ‘Ustav Islamske zajednice’, Islamic Communities of Bosnia Herzegovina, 31 October 2017, www.islamskazajednica.ba/index.php/o-sabor/ustav-islamske-zajednice. See also Mujadžević 2014b: 297–8; Mujadžević 2015: 92–8.

The ICC governing bodies in subsequent years set out to affirm the relationship with Bosnia that had been declared in the constitution of the ICBH. According to its internal documents, the ICC remains formally united with the ICBH but accepts its leadership only in word. The nominal adherence to Bosnian Islamic hierarchy is described in the ICC Statute (*Statut Islamske zajednice u Hrvatskoj*) accepted in 2005; the seniority of the ICBH is hinted at by the very title of the document (a statute, rather than a constitution).¹⁰ The ICC uses the Hijri calendar as regulated by scholars working for the ICBH (§12). The ICC is obliged to hand regular reports on its operations to the Rijaset in Sarajevo (§69), and the ICBH *Sabor* in Sarajevo is described as the 'highest representative and legislative organ of the ICC' (§88). Last but not least, the ICC is described as the 'constitutive part of ICBH' (§139). Therefore, the ICC's subordination to the Bosnian Islamic hierarchy is proclaimed openly, but no institutional channel is specified by which the ICBH governing bodies in Sarajevo could exercise effective control over the ICC. As we have seen, the ICC was in fact established as a fully independent religious organisation in all important aspects. There are significant allusions to this in the ICC Statute; §1, for example, includes a short but important reference to the 1916 Recognition Act, which shows that the ICC builds its identity on a much less well-known modern Islamic tradition in Croatia itself, and acknowledges Croatian legislation (the 1916 Recognition Act) in that matter. This reference to the Recognition Act becomes all the more significant in light of the fact that the Croatian parliament passed a much more liberal legislation in 2002 regarding the status of religious communities: the Law on the Legal Status of Religious Communities. This law allows religious communities to establish very close relations with religious groups abroad, including merging with religious organisations overseas. It is, then, telling that the ICC did not use this legal opportunity, but rather, to highlight its independence, opted in its 2005 statute to refer to the 1916 Recognition Act.

Internal documents of both the ICBH and the ICC from the 1990s and 2000s provide very useful insight not only into the evolution of relations between the two organisations, but also into their attitudes on ethnic issues. The ICBH – the cultural and spiritual reference point for the ICC – has aspired since its establishment to restructure itself as the most important Bosniak ethno-national organisation, in addition to being a religious organisation. During the 1990s and 2000s the ICBH leadership was very enthusiastic in its support for a Bosniak ethno-political identity for South Slavic (primarily Bosnian) Muslims. Some of its most prominent dignitaries acted in public as Bosniak nationalist organisers,

¹⁰ For the text of the ICC Statute and its analysis, see Mujadžević 2015: 52–98. For the relevant chapters of the Law on the Legal Status of Religious Communities, see *ibid.*, 21–9.

some even as political leaders of the Bosniak ethno-nation. The public activities of Reis-ul-Ulema Cerić and the late mufti of Sandžak Muamer ef. Zukorlić were notable for this tendency. In addition to securing influence among its Bosnian base, the ICBH sought to establish a transnational network among religiously observant Bosniaks and their Islamic organisations in Serbia, Montenegro, Croatia and Slovenia, as well as in Europe, North America and Australia. As the Bosniak ethno-national identity faced obstacles, especially in non-Bosnian settings, the ICBH tried to reinforce itself as the chief stronghold of Bosniak identity in Bosnia and elsewhere.

From the 1990s onwards, the Bosnian-dominated leadership of the ICC enthusiastically supported the new Bosniak paradigm for its operations, by retaining formal ties with the ICBH and collaborating with Bosniak minority organisations in Croatia, despite the rising ethnic heterogeneity of its own membership. The ICC Statute implies that the ICC is a Bosniak Islamic organisation, or at least one dominated by Bosniaks. In §13, it is stated as follows: 'The Islamic community [ICC] is a supra-national community, nevertheless not an anational one. This means that Muslims who are at the same time Bosniak constitute the majority, and that this reality is acknowledged through the community's functioning. Accordingly, ICC operations are conducted in direct collaboration with ICBH operations.'¹¹ However, the ICC has simultaneously been autonomous from the ICBH and embedded in Croatian society, seeking agreement with the Croatian state. It can be said that the ICC placed itself somewhere between adherence to Bosnian Muslim/Bosniak ethnicity and the reality of living in a different country (Croatia) whose state has in return arguably been generous in its offer of protection and financial assistance. Despite a somewhat ambiguous organisational subordination to the ICBH, the ICC's leadership has in fact been able to operate completely on its own terms. It opted for building a relationship with the Croatian state and secured the influence and power of its own leaders in the country. This 'in-between position' was, for the predominantly ethnically Bosniak leaders of the ICC (whether clerical or not), the best of both worlds. They were autonomous and thus protected from control by Sarajevo, but they retained ties with the ICBH hierarchy so as to conceal the Bosniak dominance of the ICC and to disable any potential challenges from Muslim clerics and elites of other ethnic backgrounds in its ranks.

¹¹ Ibid., 97.

POST-SOCIALIST CROATIAN ETHNO-NATIONALISM AND THE END OF
CROATIAN POLITICAL ISLAMOPHILIA

The fall of the socialist system in Croatia and elsewhere in the former Yugoslavia brought religion from the margins of society to its centre. While the Catholic Church became one of the most powerful institutions in Croatia, the change in the status of the ICC, as a numerically small religious community of an ethnic-minority population, was naturally not so dramatic. The political climate of the 1990s even negatively influenced the position of Muslims in society, at least for a while. The emergence of Croatian ethno-nationalist politics and the Catholic religious resurgence and dominance in the Croatian public sphere in the period immediately after independence were major discontinuities for the ICC with the era of socialist Yugoslavia. In the Yugoslav framework of 'brotherhood and unity', the largest group among Muslims in Croatia – first-generation immigrants of Bosnian and Sandžak background – were seen as members of a constitutive people (ethnic Muslims) of the common Yugoslav state. In the context of post-independent Croatia in the 1990s, Muslims (except a minority who opted to identify ethnically as Croat) have been relegated to an ethnic and religious minority status. Although most Croatian nationalists initially saw Muslims of Bosnian background as fellow ethnic Croats, this attitude was later largely abandoned and was in fact never reciprocated by the largest part of the Muslim community in Croatia, who mostly retained their ethnic loyalties. Nevertheless, the positive attitude towards Bosnian Muslims was sometimes used opportunistically by Muslim religious representatives to position themselves in the centre of a transforming society in the early 1990s. The Mešihat of the Islamic Community for Croatia and Slovenia, with its centre in Zagreb (officially known from 1994 onwards as the ICC), is known to have enthusiastically endorsed the independence movement and mainstream nationalist tendencies in Croatia and, later, in Bosnia Herzegovina. In addition, it established close communication and even collaboration with the Croatian government led by the ethno-nationalist party the Croatian Democratic Union (*Hrvatska demokratska zajednica*; HDZ) in 1990–2. In 1991, in collaboration with the Croatian government, the ICC helped numerous soldiers from Bosnia to escape from the Yugoslav federal armed forces in Croatia and Slovenia and find refuge and safe passage home. The Mešihat also helped the Croatian government to enlist Muslims into the Croatian army during the Croatian Homeland War (1991–5). Several thousand Muslim soldiers, mostly of Bosnian Muslim background, eventually joined the Croatian army. The ICC also participated in diplomatic efforts to gain international recognition for the Republic of Croatia among Muslim countries worldwide. After the start of Serbian aggression towards Bosnia in 1992, a great many refugees from that

country, often of Muslim background, came to Croatia. Islamic organisations in Croatia were very active in the humanitarian effort to assist and lobby for them. The initial phase of the Bosnian War was also the period during which Croatian and Bosnian governments collaborated against the common enemy, the alliance of the Yugoslav federal army and local Serb forces.¹²

The demise of Croatian nationalist Islamophilia after 1993 was an additional rupture with the existing conditions. Together with the rise of Bosniak ethno-nationalism within the ranks of the ICC, it positioned the organisation, in the long run, outside the mainstream of Croatian post-socialist society. This remained the situation even after successful agreements were made between the ICC and the Croatian state, and notwithstanding the ICC's good relations with the Catholic Church. In 1990–2, some Croatian nationalist factions, including the HDZ, reignited the Croatian Islamophile current focused on Bosnia, which was especially strong in the political tradition of *pravaši*, a Croatian nationalist, anti-Serbian faction that emerged in the nineteenth century and sought to gain the sympathy of Bosnian Muslims for Croatian independence. This tradition was later appropriated by the Axis-allied, fascist-like regime of the Independent State of Croatia during the Second World War. As with Croatian nationalists in the period before 1945, Islamophile discourse in the early 1990s was chiefly employed with the aim of attracting Bosnian Muslims to the Croatian nation and building a common bulwark against perceived enemies: Serbia and the Serbs. In this context, Croatian Muslims with a Bosnian background were seen as a bridge between Croatia and Bosnian Muslims.¹³ In the light of the new post-socialist situation, the Islamophile orientation of some Croatian nationalists led them also to believe that the survival of the Bosnian statehood and its independence from Yugoslavia were desirable for Croatia. Nevertheless, Franjo Tuđman, leader of the newly elected Croatian ruling party, the HDZ, and president of Croatia, was not supportive of this revived Islamophilia, seeing Bosnia-Herzegovinian statehood as ephemeral and Bosnian Muslims as unimportant and foreign to the Croatian nation. Rather, Tuđman favoured the tradition of the Cvetković–Maček Agreement (1939), which led to the creation of an autonomous Croatia within Yugoslavia, as well as the partition of Bosnia between Croatia and Serbia.¹⁴ The Croatian president publicly diminished the

¹² Mujadžević 2014a: 22–3.

¹³ For the Islamophile currents in Croatian politics before 1945, see Hasanbegović 2007.

¹⁴ The Cvetković–Maček Agreement was made between the Croatian political leader Vladko Maček and the then President of Yugoslavia, Dragiša Cvetković, in 1939. It aimed to ease the politically tense situation in Yugoslavia by creating an autonomous Croatia within Yugoslavia (Banovina Hrvatska). The Croatian territorial unit encompassed Croat-majority or near-majority parts of Bosnia, effectively partitioning Bosnia between Serbia and Croatia. This partitioning was ended by the outbreak of the Second World War.

value of the Bosnian state and became open to direct negotiations on the 'Bosnian question' with Serbian nationalist leader Slobodan Milošević.¹⁵

Nevertheless, the outbreak of war between the internationally recognised Bosnian government, supported mainly but not exclusively by Bosniaks (from 1993 this ethnic name was publicly preferred), and most of the Croat Defence Council forces in Bosnia Herzegovina in 1993–4 ended the era of good relations between the Croatian government and the Islamic organisation in Croatia. At that time, the Croatian government and President Tuđman assisted the Croat political elite in Bosnia in their attempts to create a separate entity there and defeat the predominantly Bosniak army of the internationally recognised government in Sarajevo. Additionally, the media and institutions controlled by or associated with the Croatian authorities started a brief, but very hostile, Islamophobic campaign, trying to assign the blame for the 'Bosniak–Croat War' solely to the Sarajevo government and its Army of the Republic of Bosnia Herzegovina. During this time, tropes of a revived Ottoman danger for Croats, originating from Bosnian Muslims, and wildly exaggerated claims about the spread of Islamic radicalism in Bosnia were widely used. These events and the emergence of anti-Islamic discourse in Croatia had a lasting effect on the Bosnian Croat population and, especially, their political representatives in both Bosnia and Croatia. It seems that mainstream Croatian society was far less affected. Muslims in Croatia were not exposed to any sort of state-supported persecution.¹⁶

The anti-Muslim drive ended in 1994 as the alliance of the Croatian and Bosnian governments was finally revived under the patronage of the United States and the Republic of Turkey. In Croatian mainstream politics, the 'Bosniak–Croat War' of 1993 and the Islamophobic campaign that followed it were largely forgotten by the 2000s, without much impact on the official treatment of the Muslim religious minority in the country and without major influence on the position of the Muslim population in Croatian society. Yet its legacy has continued to burden Bosniak–Croat relations in Bosnia, and it is still used by certain politically conservative groups and Bosnian Croat lobbyists in Croatia as a talking point. The war also marked the end of the Islamophile current as a serious force within Croatian nationalism. In the coming decades, the ICC would no longer be able to count on the support of this current to establish itself. Within Croatian nationalism, Tuđman's views on Bosnia and Bosnian Muslims became much more influential. For the rest of the 1990s, relations between the Islamic Community and the state were not as warm as they had been. It was only after 2000 that the ICC was able to stabilise its status and

¹⁵ See Mujadžević 2014b: 22–3.

¹⁶ For the 1993–4 war, see Burg and Shoup 1999, and Magaš and Žanić 2001.

develop its infrastructure in Croatia, crowned by the signing of an agreement with the Croatian government in 2002 and the gaining of a status equivalent – at least theoretically – to that of the Catholic Church.

AGREEMENT WITH THE STATE IN 2002: A NEW BEGINNING?

The ICC was able to profit from the change in circumstances brought about by the HDZ's removal from power in 2000. This was the beginning of a new era of better relations with the state, which contributed to the overall acceptance of the ICC by wider society and the elites, as well as to its strengthening as an institution. To this end, the ICC used the provisions set out in the Law on the Legal Status of Religious Communities, the first version of which was adopted in 2002, to sign an agreement with the Croatian state.¹⁷ According to this law, the Croatian government is free to formalise its relationships with religious organisations by means of individual agreements. The most important example is provided by the concordats regulating the relationship with the Catholic Church in the Republic of Croatia, the richest and most powerful religious organisation in the country. The Croatian government under Tuđman (who came to power in 1990) signed no fewer than four agreements with the Vatican between December 1996 and October 1998, pre-dating the Law on the Legal Status of Religious Communities: one on legal issues, one on religious support for Catholics in the police and armed forces, one on cooperation in education and culture and the last on economic matters. The agreements that have been made in Croatia with religious communities since 2002 are chiefly based on these four. They typically contain provisions on the state financing of religious communities, primarily concerning the funding of clerics. Other privileges are also granted, among them the legal recognition by the state of marriages officiated over by co-signing religious organisations, with no need to re-register them at civil registration offices, the organisation of military and other chaplainships and access to religious instruction in the public education system.

The Agreement between the Government of the Republic of Croatia and the ICC on Matters of Mutual Interest (*Ugovor između Vlade Republike Hrvatske i Islamske zajednice u Hrvatskoj o pitanjima od zajedničkog interesa*) was signed by both parties in 2002.¹⁸ It provided the ICC, at least in theory, with privileges

¹⁷ For the entire text of the law, see 'Zakon o pravnom položaju vjerskih zajednica' (Law on the Legal Status of Religious Communities), *Zakon.hr*, 1 July 2013, www.zakon.hr/z/284/Zakon-o-pravnom-položaju-vjerskih-zajednica. See also Mujadžević 2015: 21–9.

¹⁸ For the entire text of the agreement, see 'Ugovor između Vlade Republike Hrvatske i Islamske zajednice u Republici Hrvatskoj o pitanjima od zajedničkog interesa' (Agreement between the Government of the Republic of Croatia and the Islamic Community in the Republic of Croatia on Matters of Mutual Interest), *Narodne Novine*, 15 December 2003, https://narodne-novine.nn.hr/clanci/sluzbeni/2003_12_196_3110.html. See also parts of the text and analysis in Mujadžević 2015: 34–41.

equivalent to those previously given to the Catholic Church. The ICC was guaranteed autonomy from the state, freedom to erect mosques, liberty to publish its own materials, the right to speak publicly and state support for religious instruction in public schools. It was also guaranteed chaplaincy in the armed forces, police and prisons and the privilege to record marriages with equal legal status to those officiated over by the civil authorities. Such activities were to be financed from the Croatian state budget. Under this agreement, all salaries as well as healthcare and pension contributions of ICC imams and affiliated religious instructors are paid in full by the government. The agreement granted the ICC a status that was quite advanced compared to other arrangements between states and Muslim minorities in Europe at the time. This is still the case to a certain degree; some of these rights are rare in Europe, such as the right to record marriages.

The ICC's success in reaching a lasting and functioning deal with the Croatian state was thanks to the favourable and stable circumstances of the period between 2000 and 2022. Croatia had opened up after the war and isolation years of the Tuđman era and sought eagerly to apply European legislative *acquis* in dealing with religious minorities. The Croatian government was very receptive to sustaining a good relationship with the ICC, and the ICC was more than willing to accept it. Besides a relatively less nationalistic political atmosphere in Croatia and the Western Balkans after 2000, there were other dynamics that contributed to this more favourable environment for relations between the ICC and the state. Thanks to close linguistic, historical and cultural affiliation between the majority Croatian Catholic population and Croatian Muslims (those with mostly South Slavic and other Balkan backgrounds), as well as the small size of the Muslim community, no important social tension has arisen in this period. Croatian Muslims are by and large integrated into Croatian society. The influx of Muslims from non-European backgrounds since the great migration crisis of 2015 has been quite small, but nevertheless far-right and populist groups in Croatia have focused on them, rather than on the more numerous Muslims of South Slavic and Balkan background. The ICC has been seen and publicly praised as a collaborative and socially responsible organisation by both state representatives and the mainstream media. Croatian Muslims have generally not been associated with any terrorist or radical activity, either. Lastly, and very importantly, the ICC's position as the only (or *de facto* only) Islamic organisational structure in the country enhanced its value as a negotiation partner, and simplified and quickened the deal with the Croatian state.¹⁹

¹⁹ Mujadžević 2014b: 276.

THE 2002 AGREEMENT AND THE USE OF THE HABSBURG PRECEDENT

The contemporary legal status and social standing of the ICC were a result of the transformations of state–church relations as well as political and cultural attitudes towards Islam from the late nineteenth century onwards, both in Croatia and in the composite state entities of which Croatia was part. There has always been one Islamic organisation in Croatia, which was the offshoot of the Bosnian Islamic organisation. This situation, which effectively continues even today with the ICC, has naturally empowered it as the sole representative of Islam in Croatia and the only negotiating party in Muslims’ dealings with the state. The ICC’s standing and the way it is positioned within the Croatian polity can be seen as an appropriated legacy – albeit on a smaller scale – of the Austro-Hungarian policy towards Islam in neighbouring Bosnia between 1878 and 1918. The governance model that the Habsburg authorities in Bosnia Herzegovina developed vis-à-vis Islamic religious affairs was based on the idea that there should be one single autonomous Islamic religious organisation – a church of sorts – in the country. While many Ottoman organisational elements survived within it, this model was generally speaking a novel one; in the Ottoman empire, the state was the Islamic organisation, or encapsulated it, and in the new Habsburg context, the Islamic organisation was separate from the state, albeit envisioned as being in close alliance with it. This solution – the existence of a state-sponsored and -supervised sole Islamic organisation (*Islamska vjerska zajednica*) – was adopted in royal Yugoslavia, too. In Croatia, this was also the preferred model of state–Islam relations after the Habsburg-era official recognition of Islam in 1916.²⁰

The 1916 Law on the Recognition of Islam in the Autonomous Kingdoms of Croatia and Slavonia can be seen as a turning point for the establishing of Islam in Croatia in the modern era. Somewhat paradoxically, the context of the late nineteenth- and early twentieth-century Habsburg empire was crucial for the revival of the Muslim community in Croatia, after the Habsburg anti-Ottoman *reconquista* in the late seventeenth century brought about the end of Muslim settlements in eastern parts of Croatia. The modern reappearance of Muslims in Croatia was strongly dependent on the integration of Bosnia Herzegovina into the Austro-Hungarian empire. This revival started in 1878, when the Habsburg Monarchy undertook the occupation of Bosnia Herzegovina, leaving the Ottomans with only formal sovereignty over the country. Since Bosnia Herzegovina was now effectively in the Habsburg empire, its Muslim inhabitants were able to move between the empire’s different parts.

²⁰ For the Austro-Hungarian regime in Bosnia and its relationship with Muslims, see Džaja 1994, Karčić 1999 and Donia 2020.

Following the formal annexation of Bosnia in 1908 and the later Ottoman acquiescence to it, the position of Muslims in Bosnia and their standing regarding Habsburg rule were transformed. Whereas the Muslim elites of Bosnia eventually accepted the complete disappearance of Ottoman authority and were pushed to adapt fundamentally to new circumstances, the Habsburg Monarchy embarked upon the project of the complete incorporation of Islam into its social and legal framework, in Bosnia and beyond, resulting in the Islam Act of 1912. As in other parts of the empire, these developments led to the legal and public acceptance of Muslims and Islam in Croatia, as well as to an influx of Muslims and the emergence of Islamic religious congregations and organisational structures in the period that followed.

The military alliance between the Ottoman and Austro-Hungarian empires in the First World War created an additional drive to recognise Islam in other countries under Habsburg rule. In March 1916, the Hungarian parliament passed the Law on the Recognition of Islamic Confession, which, similarly to the Austrian one in 1912, enabled the recognition of Islam in most Hungarian territories of the Dual Monarchy.²¹ The Kingdom of Croatia and Slavonia belonged to the Hungarian part of the empire, but with autonomous status. For one thing, it had a right to self-rule in religious affairs. The parliament (*Sabor*) of Croatia and Slavonia was thus entitled to decide on its own about the recognition of the Islamic religion.

On 7 March 1916, with one accord, the *Sabor* passed the Law on the Recognition of Islam in the Kingdoms of Croatia and Slavonia. This granted complete legal rights of religious profession to a very small nascent Islamic population in Croatia and Slavonia, which did not even have an organised congregation at the time. It can be seen as an act of goodwill, but it also paved the way for the settlement and integration of Muslims in Croatia. It incorporated almost identical provisions to the preceding legal Acts of recognition of Islam in Austria and Hungary, and, like them, was the single most important and long-lasting Act aiming at the integration of Islam and Muslims. Very importantly, the law used the term ‘adherents of Islam’ and ‘Muslims’, rather than the derogatory term ‘Mahometans’, which was dominant in Croatian newspapers and literature at the time. The first paragraph recognised the right of Croatian Muslims to practise religion in public, provided that they stayed ‘within the boundaries of the law’. The law also recognised their right to ‘independently operate affairs of religion, education and pious foundations’, under the ‘supreme oversight of the state’. The second paragraph decreed that ‘the Muslim confessional community’ be entitled to legal protection for its teachings, personnel, practices and traditions, in the same manner as other

²¹ For the text of the Act, see *Törvények Gyűjteménye* 1916: 83–4.

recognised confessions, of course with the caveat that they should not be contrary to Croatian legislation. According to the third paragraph, the public affairs of the future Muslim organisation would be defined by special decree once it had started to operate.²²

Despite its significance, the Habsburg-era recognition of Islam in Croatia was not discussed much until the 2000s. One might even say that it was forgotten after the collapse of the Habsburg empire, and seen as anachronistic to the context of the Kingdom of Yugoslavia, the Independent State of Croatia and the socialist Yugoslavia that followed it. As the Croatian government and the ICC were seeking to rebuild their ties in 2002, and the granting to the ICC of a legal position comparable to other major religious groups was on the table, the 1916 Recognition Law came up as the only historical reference point. It was, after all, seen as an agreement granting Muslims in Croatia essentially the same rights as were intended in 2002. The Austrian Islam Act of 1912, while in effect in Dalmatia and Istria, could be ignored as an Act of a foreign body. But the 1916 Law, being promulgated by the historical predecessor of the current Croatian parliament, was prominently represented as a historical precedent for the 2002 Agreement between the Croatian State and the ICC.²³ It was also mentioned in 2005 in the first paragraph of the ICC Statute as the only historical Act on which the autonomous status of the organisation is based.²⁴

From 2002 onwards, the ICC used the 1916 Recognition Act as its legitimacy tool, aiming through it to project itself as historically rooted and integrated into Croatian society. The fact that the Habsburg-era Croatian (and Slavonian) parliament recognised Islam and granted Muslims equal rights with other religious communities has also helped the Croatian national elite since the 1990s in reconstructing the image of the country as a desirably Central European, stable and 'civilised' nation, by contrast with the other twentieth-century South Slavic states. The period between the creation of Croatian-Slavonian autonomy within the Hungarian part of the Dual Monarchy in 1868 and the dissolution of the Austro-Hungarian empire in 1918 is generally seen as the time of the birth of modern Croatian society and the strengthening of its political autonomy based on Croatian state tradition, as well as the 'golden age' of its national culture. Thus the 1916 Act benefited both the state and the ICC when they sealed their relationship with the new agreement. The legitimacy that the 1916 Act provided was so significant that the ICC's efforts in recalling it to mind culminated in the public celebration of the act's centenary in 2016 at the Habsburg-era Croatian National Theatre in Zagreb. The celebration was sponsored and

²² See n. 8; Hasanbegović 2007: 50–1; Omerbašić 1999: 384–5.

²³ For more on the Agreement, see n. 18.

²⁴ Mujadžević 2015: 69.

attended by the highest state officials and luminaries from all walks of life, and was reported as an important event by the media.

CONCLUDING REMARKS

Muslims of contemporary Croatia are a small community with a predominantly Balkan, and especially Bosniak, background. The only significant Islamic organisation in the country is the ICC, predecessors of which have been present in Croatia since 1919. This organisation has very strong ties with Bosnian Islam and has come to be associated, especially at leadership level, with the Bosniak identity. After Croatian independence, the ICC grew institutionally, and it eventually established an arguably very favourable settlement in 2002 with the Croatian state, which recognised its status as 'the' Islamic organisation in the country and which has funded it ever since.

This chapter has demonstrated that the path towards this settlement was full of challenges, some of which still haunt ICC–state relations. Among the several ruptures that Muslims in Croatia and the ICC faced in the post-socialist era, the transition from the socialist 'brotherhood and unity' framework of Yugoslavia to the context of ethno-nationalist Croatia was a major one. There was also a shift in the hegemonic political discourse in Croatia that Muslims had to adapt to immediately after the independence of Croatia: the demise of the initially pro-Muslim strategy of the Croatian nationalists, the rise of Islamophobia in the context of the 1993–4 war in Bosnia Herzegovina, and the somewhat neutral distance that marked the rest of the 1990s. These developments, combined with the adoption of the Bosniak identity by the ICC, led to the long-term positioning of the organisation at the periphery of the Croatian national mainstream. Furthermore, the ICC has had to navigate the relationship with its Bosnian 'mother organisation', the ICBH, and transform itself from being a mere appendix to Bosnian Islam to being an autonomous community with only symbolic cultural and spiritual links to Sarajevo. Since the 2002 Agreement, the ICC has established itself as an autonomous organisation and grown. It has also started using the Austro-Hungarian-era 1916 Recognition Act as a historical tool to legitimise and strengthen its claim to autonomy. The reference to the Recognition Act as a precedent for the position of the ICC was even made in its statute. In reviving the memory of the act, the ICC was indeed revealing the surviving legacy of the Austro-Hungarian policy towards Islam and the governance model that emerged out of that policy: the need for one single autonomous Islamic religious organisation representing Muslims. As a preferred framework of Islam–state relations in Croatia since the time of Habsburg rule, this model, on the one hand, assures the ICC's position in the country as an independent religious organisation. On the other hand, it sits rather uncomfortably with the

ICC's retention of its nominal alignment with the Islamic establishment in Bosnia Herzegovina. This 'in-betweenness', it has been argued, seems to have served the mostly Bosniak leaders of the ICC well, as they seek to protect both their autonomy from Sarajevo and Bosniak dominance within the organisation.

BIBLIOGRAPHY

- Az 1916. Évi Törvények Gyűjteménye (1916), Budapest: Magyar Királyi Belügy-minisztérium.
- Burg, Steven L., and Paul S. Shoup (1999), *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention*, Armonk, NY: M. E. Sharpe.
- Donia, Robert J. (2020), *Bosnia-Herzegovina under Austria-Hungary*, London and New York: Routledge.
- Džaja, Srećko (1994), *Bosnien-Herzegowina in der österreichisch-ungarischen Epoche 1878–1918*, Munich: R. Oldenbourg.
- Hasanbegović, Zlatko (2007), *Muslimani u Zagrebu*, Zagreb: Medžlis Islamske zajednice u Zagrebu and Institut društvenih znanosti Ivo Pilar.
- Karčić, Fikret (1999), *The Bosniaks and the Challenges of Modernity*, Sarajevo: El-Kalem.
- Magaš, Branka, and Ivo Žanić (eds) (2001), *The War in Croatia and Bosnia-Herzegovina 1991–1995*, London: Frank Cass.
- Mujadžević, Dino (2014a), 'The Consolidation of the Islamic Community in Modern Croatia: A Unique Path to the Acceptance of Islam in a Traditionally Catholic European Country', *Journal of Muslims in Europe* 3 (1), pp. 66–93.
- (2014b), 'The Islamic Community in Croatia: Between Ethnic Bosniak and Civic Croatian Identity', *Südosteuropa* 62 (3), pp. 275–304.
- (ed.) (2015), *Annotated Legal Documents on Islam in Europe: Croatia*, Leiden: Brill.
- (2021), 'Croatia', in *Yearbook of Muslims in Europe*, Volume 14, ed. Stephanie Müssig et al., Leiden: Brill, pp. 144–59.
- Omerbašić, Ševko (1999), *Islam i muslimani u Hrvatskoj*, Zagreb: Mešihat Islamske zajednice u Hrvatskoj.
- Sbornik zakona i naredaba valjanih za kraljevine Hrvatsku i Slavoniju. Godina 1916*, Zagreb: Kraljevska zemaljska tiskara, 1916.

Muslim Communities and Religious Freedom in Slovenia

MARINKO BANJAC AND ANJA ZALTA

INTRODUCTION

Although religious freedom is an essential freedom in any democratic society, dilemmas arise over the question of the extent to which that freedom is realised and in what ways, if at all, it can be regulated. The aim of this chapter is to demonstrate, through an example of the regulation of religious freedom for Muslims in Slovenia, how religion and religious freedoms are governed in the country. The key legal framework for the management of the religious sphere and religious freedoms in the Slovenian context is the Religious Freedom Act, in conjunction with the constitution of the Republic of Slovenia. We will discuss the limits of the public expression of Islam and the organisational rights and structures of Muslims in Slovenia by focusing on the process of recognising and registering their communities within the existing legal framework. The main argument of the chapter is that the perception of and attitude towards Islam and Muslims in the territory that constitutes present-day Slovenia became inclusive after the annexation of the territory to the Habsburg empire. The Austro-Hungarian model of 'religious community', which in the case of Muslim communities in Slovenia draws from and is modelled on the Bosnian-Herzegovinian case, became the basis for the registration and functioning of Muslim communities thereafter. However, this model has not been without its shortcomings, especially in terms of accommodating an increasing diversity of Muslim communities in Slovenia and their relationships with the state.

Muslims in Slovenia: A brief overview

Muslims in the Republic of Slovenia, although a small group, are nevertheless the second-largest religious community in the country. According to the 2002 national census (the last census in which data on religion was collected), the Slovenian population is predominantly Roman Catholic (57.8 per cent), with Muslims composing a very small proportion (2.4 per cent) of the population.¹ Of the 47,488 Muslims living in Slovenia at the time of the census, 61.5 per cent were Bosniaks, 11 per cent were Albanians, 5.9 per cent were Slovenes, 1.8 per cent were Roma, 1.3 per cent were Montenegrins and 1 per cent were Muslims from African and Asian countries.² Of Muslims, 13.7 per cent did not declare their nationality in the census.³ The diversity of Muslims in Slovenia, however, is not limited to nationality. The socio-political mix of this group reflects the complexity of the Muslim world, confirming that Islam is not monolithic but, rather, marked by a number of cultural, social, political and economic factors that shape the collective and individual identity of Muslims in any context. This diversity is also visible to an extent in the registered Islamic Communities and societies in the ex-Yugoslav countries of Southeast Europe, such as Slovenia.

To date, three Islamic religious communities have applied for and been registered with the Office for Religious Communities in Slovenia: the Islamic Community in the Republic of Slovenia (IC), the Slovenian Muslim Community (SMC) and the Slovenian Islamic Community of Mercy (SICM). All these are Sunni Muslim communities. The largest and oldest is the IC, registered in 1976, with its seat in the Slovenian capital, Ljubljana. It currently employs twenty imams, who work for eighteen local communities in various Slovenian cities, including Ljubljana, Maribor, Velenje, Trbovlje, Celje, Novo Mesto and Krško. The IC follows the Sunni Hanafi jurisprudence. The SMC was registered in 2006, splitting from the IC following a disagreement about the manner of representing Muslims in Slovenia. It also follows *Hanafi* jurisprudence, so there

¹ The total share of people who identified as Christian was 61.1 per cent, with 2.3 per cent Orthodox and 0.8 per cent Protestant. See Šircelj 2003: 82.

² The last population census in Slovenia was held in 2011, but data on nationality and religion was no longer collected. There is no data on nationality in administrative sources, or on religion. With the 2002 census, there was already concern about the inclusion of questions on nationality and religion, because the Personal Data Protection Act made data collection too complicated. Article 3 of the Act stipulates that 'managers of personal data collections, who are authorised to collect them by law, may collect personal data relating to racial and other origins, political, religious and other beliefs, union affiliation or sexual behaviour only with the written consent of the individual'. *Zakon o varstvu osebnih podatkov* 2002, cited in Šircelj 2003: 26.

³ Although the IC estimates that the number of Muslims living in Slovenia at present is much higher (approximately 80,000–100,000). In its opinion, the increase in the number of declared Muslims was the result of the more democratic atmosphere in which the 2002 census was conducted, compared to that of 1991. This explanation is convincing, since in the period 1991–2022 membership of the IC increased by 62 per cent (Šircelj 2003: 75).

is no deviation in its teaching and religious practice from those of the IC. The third community, the SICM, was registered in 2018. It emerged out of the cultural association *Srednja pot* (Middle Way), which was established in 2014. It includes mainly those Muslims who do not agree with the organisational and ideological outlook of the other two communities. According to its webpage, the SICM was established ‘with the aim of enabling the practice of faith and the presentation of its universal messages, as well as the affirmation of moral and spiritual values that lead to the progress and development of all mankind’.⁴ What exactly this means in terms of the social functioning of the community and its ideological orientation is hard to say, since its representatives did not respond to our request for an interview.

SLOVENE TERRITORY AND THE HISTORY OF MUSLIM PRESENCE

For a better understanding of the integration of Islam and Muslim communities in Slovenian territory, it is necessary briefly to discuss the first contacts of Slovenian society with Islam, as well as the understanding of and attitudes towards Islam as recorded and preserved by the collective memory. According to the available sources, the first encounter of Muslims with Slovene territory occurred during the period of Turkish incursions. Historians – among them the most prominent expert on Ottoman incursions in Slovenia, Ignacij Voje – listed a first wave between 1408 and 1426, a second between 1469 and 1483, and subsequent waves between 1491 and 1559.⁵ These incursions are preserved and (re)collected through poetry and prose as among the darkest periods in Slovene history.

Although these invasions were a dubious representation of the Islamic faith as such, they still influence public opinion and attitudes towards Islam and Muslims in Slovenia. The most famous Slovenian Protestant writers, for example – among them Primož Trubar (1508–86), author of the first two Slovene books (*Catechismus* and *Abecedarium*) and considered the founder of the Slovene written language, and Jurij Dalmatin (1547–89), author of the first Slovene translation of the Bible – referred to Ottomans as ‘impious dogs’, ‘hereditary enemies’ and ‘dreadful tyrants’.⁶ The greatest Slovene poet, France Prešeren (1800–49), who calls Muslims ‘Muhammadans’ in his poem ‘Turjaška Rozamunda’, speaks of a Bosnian named Lejla, who abandoned the faith of ‘Mahoma’ and converted to Christianity. Referring to Muhammad as ‘Mahoma’ can be taken as proof of how little the Muslim tradition was known and understood during that period.

⁴ Islamic Community of Mercy, www.themuslimmaps.com/listing/slovenian-islamic-community-mercy (accessed 15 July 2022).

⁵ Voje 1996: 18–36.

⁶ Pašić 2002: 97.

An influential tale that really settled into the national imaginary of Slovene readers, the novel *Jurij Kozjak, slovenski janičar* (Jurij Kozjak, a Slovene Janissary) by Josip Jurčič (1844–81), also deals very disapprovingly with Islam. Telling of a Slovene boy named Jurij who was taken away to become an Ottoman Janissary and thus had to convert to Islam and fight to ‘eliminate’ Christians, the story depicts the Ottoman mounted units that plundered, killed and hunted men for slavery. The book became a compulsory part of the primary-school curriculum in Slovenia, shaping a dark impression of the Ottomans (and thus Muslims) among schoolchildren.

Through such texts and narratives, then, the Ottomans and their religion have survived in Slovene history and national identity as alien and dangerous. Such perceptions are being passed on to younger generations mainly through the national curriculum, which is not placed in a historical context. The narrative concerning Islam or Muslims in Slovene primary-school textbooks focuses almost exclusively on Ottoman invasions, and Muslims are referred to, again almost exclusively, as Ottomans and/or Turks.⁷

Despite this anti-Ottoman or anti-Turkish sentiment in the national curriculum, it is also true, however, that a less antagonistic view of Muslims did nevertheless slowly begin to emerge after 1878, the year of the Austro-Hungarian occupation of Bosnia Herzegovina. The Habsburg occupation of Bosnia is considered a turning point for Slovenia in terms of its relations with Muslims and countries with a predominantly Muslim population. According to Nedžad Grabus, despite the fact that Muslims in Bosnia had lived for more than four centuries within the Ottoman empire, where Islam was the official religion, things changed with the start of Austro-Hungarian rule, the new rulers having no ‘legal and political experience of managing religious issues that were not related to Christianity’.⁸ Although Muslims had been considered the ‘European Other’ for centuries, and the Austro-Hungarian empire was immune to this perception, its domination over these Balkan territories brought changes to the management of religious matters.

Until the last decade of the nineteenth century, Islamic thought in Bosnia flourished under the strong influence of reformist movements. According to Fikret Karčić, reform in this context meant the reconstruction of Islamic

⁷ The scanty information that students receive about Islam is markedly one-sided and stereotypical. At the same time, textbooks do not present voices of Muslim communities and their understanding of Islam, nor do they address current content or highlight the heterogeneity and diversity of Islamic traditions and identities. For more, see Porić and Črnič 2021. Over the last decade, studies on Islam and Muslims in Slovenia have multiplied. See Bajt 2008; Kalčić 2006; Zalta 2005 and 2017; and Šabec and Pucelj 2020. Despite the diversity of topics discussed, they all indicate that there is a general lack of knowledge about Islam in society, and in many cases that leads to discrimination and Islamophobia. See Zalta 2017 and Frank 2019.

⁸ Grabus 2021: 20.

religious thought and the rethinking of religion's role in the life of Muslims, mainly through the return of *ijtihād* (independent interpretation) and the improvement of the conditions of Islamic institutions (*islah*). This reformist direction was one of the answers to the challenges posed to Islam by Western modernity.⁹ Such challenges were reinforced by the Austro-Hungarian project of modernisation, and the rethinking of two identities, Islamic and European, implied that Bosniaks and their religious leaders considered the need for new interpretations of Islam.

By retaining the institution of mufti in Bosnia and sanctioning the Ottoman Sharia Courts Act of 1859, the Austro-Hungarian government consolidated further interpretation and application of Sharia law, especially the existence of Sharia courts. With the establishment of the Sharia Judicial School in 1887, the government intended to initiate the education of capable candidates for the position of Sharia judges (*qadi*) and distance them from external influences. With the establishment of the National *Waqf* Commission, Bosnian Muslims could keep their own *waqfs* and were also supposed to get their own Islamic institutions.¹⁰ When the Austro-Hungarian government gave Muslims religious autonomy in the matters of *waqf*, what is now Slovenia was also part of the Habsburg Monarchy, and thus a large part of Slovenian territory was under a common political and legal framework with a country that had a predominantly Muslim population. This, according to Boris Golec, not only marked the end of a long period of 'real and latent conflicts with the Islamic world' for Slovenians but also slowly opened the door for the immigration of Muslims into the country.¹¹ The exact number of Muslims who lived in Slovenian territory during the Habsburg Monarchy (1878–1918) is not known, but it is believed to be higher than that presented in the censuses of 1880 to 1910.¹² The fact that Islam became a state-recognised religion in the Austrian half of the monarchy in 1912, and in the Hungarian part in 1916, did not have any special significance in the Slovenian part of the empire, either, since the extremely low number of

⁹ Karčić 2004 and 2015.

¹⁰ Durmišević 2008: 211.

¹¹ Golec 2020: 251–73.

¹² It can be assumed that, owing to the extremely low number of Muslims in the census, they were included in the section 'Other Religions'. Only on the very edge of Slovenian territory were they registered as Muslims: in Trieste in 1910 there were 144 Muslim soldiers and 47 Muslim civilians, a total of 191 people, of which 170 were in the city itself. We can assume that there were Muslims who were temporarily resident in Slovenian territory, but it is obvious that there was not a large number of Muslim inhabitants at the time. Worth mentioning, though, is the fact that in 1910 there were a total of nine Muslim civilians in the incomparably larger and more important city of Graz. Fran Zwitter, *Prebivalstvo na Slovenskem od XVIII. Stoletja do današnjih dni*, Ljubljana: Znanstveno društvo, 1936, pp. 54–6, quoted in Golec 2020: 266.

Muslims at that time meant that there were no conditions for the establishment of an Islamic religious community there.¹³

An increase in the Muslim population in Slovenian territory occurred only during the First World War, when thousands of Bosnian Muslims fought for Austria–Hungary on the Isonzo Front. Records of the first mosque on Slovenian territory date from this time, in Log pod Mangartom, a small village very close to the border with Italy. The mosque was built in 1917 and demolished immediately after the war.¹⁴ In the Kingdom of Serbs, Croats and Slovenes, which emerged after the war and later became the Kingdom of Yugoslavia, the first population census was conducted in 1921. It recorded 649 Muslims living in Slovenia, comprising 0.1 per cent of the country's population.¹⁵ Most of them lived in Ljubljana, Maribor and the environs of Murska Sobota. The 1931 census showed no major changes, but it is interesting to observe the considerable difference in the proportion of male and female members of the Islamic Community, probably because of a greater immigration of males from the Muslim areas of the Kingdom of Yugoslavia. The next census, which took place between the two world wars, recorded that 927 Muslims lived in Ljubljana. It was also at this time that the Imanat, a unit for Muslim religious affairs, was organised in Ljubljana.¹⁶

Significant socio-political changes affected the population increase shown in the next census, in 1953. Among other things, Slovene territory expanded with the incorporation of the Primorska region after the Second World War. Yugoslavia was transformed from a kingdom into a federal people's republic that separated church and state, turning faith into a private matter. The 1953 census recorded 1,617 people who declared themselves followers of the Islamic religion, again only 0.1 per cent of the total population. Between the 1953 and 1991 censuses, the total population of Slovenia increased by almost 30 per cent. In 1991 the census registered 29,361 Muslims, composing 1.6 per cent of the entire population. Of those, 87.5 per cent answered the question about national affiliation. As many as 20,435 (69.6 per cent) declared themselves to be Muslims, mainly from Bosnia Herzegovina, 2,481 (8.1 per cent) identified as Albanian-nationality Muslims from Albania, Kosovo and Macedonia, 1,196 (4.1 per cent) stated only regional affiliation, while 1,121 (3.8 per cent) declared

¹³ Ibid., 267.

¹⁴ There is still a military cemetery in Log pod Mangartom, where soldiers from the First World War, especially from the Isonzo Front, are buried. Among them are 102 Bosniaks. They rested under Christian crosses until 2007, when, on the initiative of the Institute for the Protection of Cultural Heritage Nova Gorica, an agreement was reached on the basis of cultural protection that the crosses be replaced with Muslim tombstones.

¹⁵ Piko 2004.

¹⁶ Grabus 2021: 20–21.

themselves Yugoslavs and 818 (2.7 per cent) Slovenes. A total of 1,265 Muslims gave Slovenian as their mother tongue.¹⁷

More extensive Muslim migration to Slovenian territory took place during the period of the former Yugoslavia, especially from western Bosnia Herzegovina in the 1960s, mainly owing to the expansion of job opportunities in the country. It is important to emphasise that during the Socialist Federal Republic of Yugoslavia (1943–91), Muslims who immigrated to Slovenia did not reveal much of their religious identity, probably for political reasons to do with living under a socialist regime, but also because of the overall secularisation of religious identity under such an order. It was only after the disintegration of Yugoslavia that Muslims in Slovenia aimed to establish better structures of organisation and representation. By the end of the 1980s, there were fifteen officially recognised religious communities in the country, among them the IC.

In February 2007, the Religious Freedom Act was adopted, which guaranteed religious freedom in private and public life and prohibited discrimination, incitement to religious hatred and intolerance.¹⁸ Despite lengthy debate, it was not adopted with broad political consensus. One of the most common criticisms of the Act was that it consolidated the primacy of the Roman Catholic Church in Slovenia at the expense of smaller religious communities. To complement the law, the government signed a special agreement with five religious communities, including the IC, which came into force in July 2007.¹⁹ From the beginning, the main question that arose concerning the IC was about the nature of its relations with the IC in Bosnia. In this sense, the Habsburg legacy continues to have an impact, since the main issue is whether the institutions that were created under Habsburg rule were for Bosnian Islam only or for Muslims in other parts of the empire too. In other words, the debate about the IC in contemporary Slovenia being subordinate to the IC in Bosnia, or independent of it, originates from an ambiguity that has its roots in the previous century. The question of whether the

¹⁷ Piko 2004: 51. It is worth mentioning that the category 'Muslim' was introduced in the population census of 1961 and was at first intended primarily for those inhabitants of Bosnia Herzegovina who did not want to describe themselves either as Croats or Serbs, and whose national identity was based on their religion. But it was soon adopted by Muslims from Sandžak as well. The category 'Muslim' was abolished with the passing of the constitution of Bosnia, since the constitution states that its constituent peoples are Bosniaks, Croats and Serbs. Despite the introduction of the term 'Bosniak', the category 'Muslim' still appears in census results in Slovenia. However, the two categories should not be merged because the Muslims originating in Bosnia now declare themselves 'Bosniaks', while those from Sandžak still declare themselves 'Muslims'. Their national identity is based primarily on religion, Islam, since they consider themselves neither Serbs nor Montenegrins. The options regarding national affiliation still include the category 'Muslim', but since it is used to denote ethnic and not religious affiliation, we should be very careful with this category when studying Muslims in Slovenia.

¹⁸ For the English translation of the Religious Freedom Act of 2 February 2007, see www.legirel.cnrs.fr/spip.php?article473 (accessed 23 November 2023).

¹⁹ Official Gazette of the Republic of Slovenia, no. 14 (2007). According to the Office for Religious Communities, there are 59 churches and other religious communities registered in Slovenia today.

IC in Bosnia should have an effect beyond the country's borders and 'supervise' the Islamic institutions in successor states of Yugoslavia, or if all ICs that have emerged in the new nation-states should be completely autonomous parallel structures, has remained unresolved and continues to affect the relationship of Muslims with the state.

THE RELATIONSHIP BETWEEN THE STATE AND RELIGIOUS COMMUNITIES IN SLOVENIA

It can be argued that initially the Slovenian state did not tackle the regulation of the legal position of religious communities in a systematic way. Its strategy was to meet particular needs and frame the special role of some religious communities, including the Roman Catholic Church and the IC, by granting them special rights. Gregor Lesjak, long-time director of the government's Office for Religious Communities, highlights the historical existence of two currents in the state's relations with religious communities: inclusivist and exclusivist.²⁰ When regulating the position of religious communities, the inclusivist tendency primarily looks for similarities and opts for analogies or examples of comparable organisations in society. The exclusivist one, on the other hand, identifies the differences between individual religious communities with the aim of outlining their unique characteristics and therefore formulating special rules and rights. Inclusivism sees the state as an entity that serves its citizens and protects their rights, while exclusivism sees it as the guardian of the sacred realm. According to Lesjak, the state (i.e. the Office for Religious Communities) distinguishes between religious communities and society in general, thus acknowledging the boundary between the sacred and secular realms, because the right to religious freedom must be protected. If religious communities want to discuss their interests with the state, they can do so through the means available to everyone in a democratic society, and when it comes to their religious freedom, they receive administrative, institutional and professional assistance from the state. The state, therefore, Lesjak argues, behaves today in a more inclusivist manner in its relationship with religious communities.

While the state claims to limit itself to the secular, as required by the constitutional principle of religious freedom, some other matters (excepting those of a purely spiritual and religious nature, such as rites and liturgy) are in fact under its jurisdiction. In other words, there is a wide area of 'mixed' matters that have both a religious/spiritual and a secular/political aspect, such as family law. For the sake of public peace and security, the state claims for itself the authority to take final and binding decisions on what is legally prohibited or permitted in

²⁰ Lesjak 2019: 150–53.

terms of religious practice. Since a religion is not limited to liturgy but also has rules for the everyday conduct of its followers, it seems impossible to avoid the question of how living according to the norms of a religion can or should be regulated by the state. On the one hand, the freedom and autonomy of religious communities are limited by laws that apply to all citizens. On the other, state laws and regulations must be such that they provide space for religiously motivated activity even in secular matters. This difficult balance invites possibilities of both cooperation and conflict between the state and religion.

The fact that the Religious Freedom Act – one of the fundamental laws that regulates religious freedom, religions and religious communities – was adopted relatively late, in 2007, was precisely because of the political nature of this relationship. Disagreements over the framing of relations between state and religion long delayed the adoption of such a law. Preparations and debates started in 2004, when the Office for Religious Communities prepared a draft bill. The proposal was based on arrangements established in other European countries, but at the same time, the arrangements that were adopted were based on how they would fit with the Slovenian constitution. The debate and negotiations lasted until 2006, when the government finally sent the bill to the National Assembly, and it was adopted as law on 2 February that year (although it would not come into force until the following year). Perhaps the most important aspect of the Act was that it defined churches and other religious communities, and thus provided the legal basis for framing these institutions. By enabling constitutionally guaranteed religious freedom, it regulated the position of religious communities vis-à-vis the state. It also established criteria for the registration and financing of religious communities.

Shortly after the Religious Freedom Act came into force, on 21 March 2007, the State Council applied to the Constitutional Court for a constitutional review, because it claimed that the law violated the equality of religious communities and the principle of the separation of Church and state. In 2010, the Constitutional Court annulled the provisions of the Act that set the conditions for the registration of religious communities and spiritual care in prisons and hospitals. The court ordered the legislature to eliminate inconsistency with the constitution within a year of the publication of its decision. The court found that the part of the Act dealing with the conditions of registration (the first paragraph of Article 13) was unconstitutional because registration or other acquisition of legal personality should not be a condition of the establishment and operation of a religious community. The act, however, outlined the conditions and stipulated that a religious community can be registered if it has at least 100 adult members who are citizens of the Republic of Slovenia or foreigners who have registered permanent residence in its territory and been active in Slovenia for at least the last ten years. Religious communities, the court argued, can

also operate completely informally, and even such an informal association or organisation should enjoy constitutional protection. At the same time, the court found that the constitutionally protected free operation of religious communities obliges the state to establish a mechanism that enables those communities to obtain the status of a legal entity. The court also issued a decision regarding the regulation of spiritual care in public hospitals and correctional institutions.

The decision of the Constitutional Court made it clear that the Act as voted into law by the National Assembly in 2007 could not remain in force. Thus, towards the end of 2010, the Office for Religious Communities published theses for the preparation of a completely new law. The office made these proposals for the purpose of drafting a law on religious and spiritual communities, in which, among other things, it proposed a change in the legal organisational form of religious communities and the method of financing their activities. However, after a public debate that included the largest religious communities in Slovenia, it became clear that there was no political will or support for the new law. It was opposed mainly by religious communities, the most vocal of which was the Catholic Church, which criticised the Office for the fact that its starting point for the new law was narrowly ideological and discriminatory against Catholics.

The Act as it had been adopted in 2007 therefore continued in force, remaining inconsistent with the constitution in places, following the decision of the Constitutional Court. In 2013, the Ministry of Culture prepared an amendment to regulate the provisions that had been annulled by the court. This amendment, the Bill on Amendments and Supplements to the Religious Freedom Act, was adopted in the same year. By stipulating that a church or religious community can be registered if it has at least ten members of legal age who are citizens of the Republic of Slovenia or foreigners registered as permanent residents there, the amendment substantially changed Article 13 of the original law; the rest was changed only to the extent that it enabled the regulation of spiritual care (the possibility of the employment of priests in public hospitals) in accordance with the decision of the court.²¹

The Religious Freedom Act of 2007 paved the way for an agreement between the IC – the largest registered Islamic Community and the second-largest religious community in the country, after the Roman Catholic Church – and the Slovenian state. The agreement on the legal status of the IC in the Republic of Slovenia was signed on 9 July 2007 by Dr Nedžad Grabus (Grand Mufti and president of the Mešihat of the IC) and Dr Lovro Šturm (chairman of the Committee of the Government of the Republic of Slovenia for Solving Unresolved Issues of Religious Community) on the basis of Article 21 of the Religious Freedom Act. The government and the IC agreed on freedom of operation for the IC, its legal

²¹ For more, see Banjac and Zalta 2022.

personality, freedom of organisation and conduct of religious and educational activities, jurisdiction, freedom of forming structures within the IC and appointing people in charge of them, freedom of establishing and maintaining contacts, freedom of access to public media and establishment of its own media, freedom of creating associations, and freedom of establishing educational institutions and preserving historical and cultural heritage. The agreement also ensured the IC's religious activities in hospitals, nursing homes, the armed forces, the police and special institutions, as well as the educational activities of Islamic charitable organisations with other charitable organisations.²²

Problems arose in practice, however, since there are three Islamic religious communities registered in the country. To inquire about these problems, we prepared a questionnaire to be sent to the representatives of all three, and we also shared the questionnaire with a few Muslim associations. Representatives of two communities responded: the new mufti of the IC, Nevzet Porić, and the leader of the SMC, Osman Đogič. The SICM did not respond to repeated requests to complete the survey.

The replies of Porić and Đogič reflect the complexity of the terrain in which the relationships between Muslim communities and the state are shaped. According to Porić, the relationship with the state is mainly good. Problems arise only with halal slaughter because it is not regulated. However, he also listed other matters that can be seen as unresolved: the problematisation of circumcision, unregulated nutrition in kindergartens, schools where it is difficult to get halal meals, insufficient and/or unregulated spiritual care in prisons, the army and the police and the unequal position of religious personnel of the Muslim faiths (imams) compared to the rights and benefits from the state given to religious personnel of the Roman Catholic Church (priests). It is interesting, however, that when asked about key problems or tension with other religious communities, Porić claims that there are none. Đogič, on the other hand, points out that the SMC has an issue with the IC, since the IC 'claims the right to be the only representative of all Muslims in Slovenia and the only interpreter of Islam, which creates tensions among Muslims.'

It is evident that the majority of Muslims belonging to the IC are strongly connected with Bosnia Herzegovina. Even today, the supreme body, or Riyaset, of the Slovenian IC is in Sarajevo. The Riyaset (Bosnian: Rijaset) in Sarajevo is indeed the umbrella body for Muslims in Slovenia, Croatia, Bosnia Herzegovina and Sandžak, while the Islamic Communities of Macedonia, Serbia and Montenegro are independent and not affiliated with it. The head of the IC in Slovenia is the mufti, who coordinates the work of lower bodies. There is also the Assembly of the IC in Slovenia, which is the legislature or a kind of

²² For more, see Grabus 2021.

assembly consisting of members from all committees of the IC from around the country, operating across eighteen communities where they have committees and imams who take care of religious life.

The SMC has a simpler organisational structure. There is the functional differentiation between imams and ordinary believers. According to Đogič, the community encourages all its members to undertake voluntary work. As a former mufti of the IC who eventually split from it, he indicates that the main cause of discontent for some Muslims in Slovenia is the connection of the IC with that in Bosnia as the 'mother' organisation. As indicated above, this dissatisfaction was the reason for the split from the IC and the formation of the SMC in 2006. The SMC's aim was to make the Slovene Muslim community independent of the influence of Bosnia Herzegovina, and acquire for it a 'Slovene-European' character. Đogič is keen to indicate that the funds collected by members of the SMC do not go to Bosnia, but remain in Slovenia. He argues that at least a quarter of Muslims living in Slovenia are not Bosniaks, so they have the right to Act as an integral part of the social environment in which they live. The sermons (*hudba*) in the community's masjids are in Bosnian (and English), however, and the prayer is in Arabic. Children of the community receive religious instruction in Bosnian, and use Bosniak textbooks and the same curriculum as the other Muslim communities. The question of how this reliance on Bosnian and Bosniak religious textbooks sits with the community's aim to move away from the Bosnian influence requires exploration.

Another organisation that responded to our questionnaire, the Association for the Promotion of Islamic Culture in Slovenia (founded in 2007), distances itself from both the IC and the SMC. Its prayer leaders have not received formal religious education from the Faculty of Islamic Sciences in Sarajevo, as is the custom for those in the IC and SMC. One of the leaders of the association confirmed that he studied and has been inspired by those Islamic thinkers who are critical of the modernisation of Islam and who draw on the Salafi influence. Representing a small community of about 100 families throughout Slovenia, the association wants to follow what it calls the 'original Islam', strongly inspired by Salafism. It emphasises the importance of the supra-national Islamic Community. Therefore, we can conclude that differently from the IC, whose priority is the Bosniak identity, and the SMC, which frames itself around questions of inclusion and adaptation to Slovenian culture, the association seeks a 'return' to a 'real, timeless Islam'.²³

²³ It should be mentioned that there is also the Society for Information on Islam, which is run by the Ahmadiyya community in Slovenia and is publicly quite active. It organises lectures, translates books on Islam, offers free Arabic language courses, participates in book fairs, and holds exhibitions and cultural events for the general public.

CONCLUDING REMARKS

Two axes of tension can be identified in the relationship among the Islamic religious communities in Slovenia: first regarding the interpretation of Islam, and second concerning the administration of Islamic affairs. While the first is gaining momentum with the influx of Islamic literature and scholars from outside Slovenia, the second originates in an older question regarding the representation of Muslims. It revolves, more specifically, around the question of whether the IC has the right of monopoly over central religious affairs, such as the management of mosques, religious education in mosques and the collection of Islamic alms (*zakat*).

The brief overview we present in this chapter demonstrates that the IC enjoys certain privileges when it comes to relations with the state. It also continues to claim the right to interpret Islamic teachings in relation to the challenges arising in Slovenian society at large, and, in doing so, mainly follows the Islamic authorities in Bosnia. As is indicated on its website, according to the IC:

it is important for Muslims in Slovenia that there is only one religious institution that represents them ... According to Islam, it is necessary to know who the representative of the Muslim community is. The Islamic Community has been present in Slovenia for more than a hundred years. This gives it the right to address issues related to Islam and Muslims in Slovenia.²⁴

According to Ahmed Alibašić, the model on which the IC is structured is important because its institutional organisation and the procedures it follows influence the type of Islam the IC promotes and represents.²⁵ The claim to sole representation through a single institution enables a stronger organisation and a better negotiating position for the IC vis-à-vis the state and other actors. Self-financing also makes it more resilient to unwanted external influence. Both factors help to create a more autonomous and, consequently, more credible Islamic authority capable of preventing radicalisation.

However, as we have seen, not all Muslims in Slovenia and not even the other registered communities share this view. As the tension among them over representation and autonomy reveals, the limitations of the Bosnian model should not be overlooked. One of the main shortcomings is the unclear limits of the competence and autonomy of the IC in Slovenia. This can be better understood in the historical context and with reference to the lasting impact of the Habsburg policy on religious affairs. The religious institutions that were created

²⁴ See www.islamska-skupnost.si/islamska-skupnost/islamska-skupnost.

²⁵ Alibašić 2007.

by the Habsburgs in Bosnia have an enduring effect, and continue to exert influence on Slovenian Muslims, as well as Muslims in other successor states of the former Yugoslavia. The question of state recognition, and thus equality with various recognised Christian churches, is also one that ultimately goes back to the organisation of the relationship between state and religion in the late nineteenth century. In the case of Slovenia, that organisational framework led to the formation of the system of state-recognised religious organisations that are burdened with tension over representation and autonomy, as well as organisations not recognised by the state that lack the rights and privileges enjoyed by the state-recognised ones. In the light of plurality, all Muslim communities should be considered equally justified in their existence, especially given the constitutionally sanctioned freedom of religion and the equality of all religious communities in Slovenia, as well as in their cooperation and discussions with the state.

BIBLIOGRAPHY

- Alibašić, Ahmet (2007), 'The Profile of Bosnian Islam and How West European Muslims Could Benefit from It', lecture given at 'Bosnian Islam in Europe', a conference of the Diocese of Rottenburg-Stuttgart, Stuttgart, 16–17 November 2007, www.akademie-rs.de/fileadmin/user_upload/download_archive/interreligioeser-dialog/071116_albasic_bosnianislam.pdf.
- Bajt, Veronika (2008), 'Muslims in Slovenia: Between Tolerance and Discrimination', *Revija za sociologiju* 39 (4), pp. 221–34.
- Banjac, Marinko, and Anja Zalta (2022), 'Verska svoboda in sodobne oblike izvajanja oblasti', in *Intersekcionalnost: Perspektive strukturne, politične in reprezentacijske neenakosti*, ed. Roman Kuhar and Mojca Pajnik, Ljubljana: Založba Univerze, pp. 141–66.
- Črnič, Aleš, M. Komel, M. Smrke and Ksenija Sabec. (2013), 'Religious Pluralization in Slovenia', *Teorija in praksa* 50 (1), pp. 205–32.
- Dragoš, Srečo (2003), *Islam in suicidalno podalpsko pleme*, Ljubljana: Skupina za spremljanje nestrpnosti, Mirovni inštitut.
- Durmišević, E. (2008), 'Institucionalizacija islama u postotomanskom periodu', in *Naučni skup Islamska tradicija Bošnjaka: Zbornik radova naučnog skupa 'Islamska tradicija Bošnjaka: Izvori, razvoj i institucije, perspektive'*, Sarajevo: Rijaset islamske zajednice u Bosni i Hercegovini, pp. 211–39.
- Frank, Ana (2019), 'Islamophobia in Slovenia National Report 2018', in *European Islamophobia Report*, ed. E. Bayraklı and F. Hafez, Ankara: SETA, pp. 755–74.
- Golec, Boris (2020), 'Die Muslime im slowenischen Raum bis zum Zusammenbruch der Habsburgmonarchie unter besonderer Berücksichtigung ihrer Bekehrung zum Christentum in der Frühen Neuzeit', *Povijesni prilozi* 39 (59), pp. 251–73.
- Grabus, Nedžad (ed.) (2021), *Annotated Legal Documents on Islam in Europe*, Leiden: Brill.
- Kalčič, Špela (2006), *Nisem jaz barbika. Oblačine prakse, islam in identitetni procesi med Bošnjaki v Sloveniji*, Ljubljana: Filozofska fakulteta.

- Karčić, Fikret (2004), *Bošnjaci i izazovi modernosti: Kasni Osmanlijski i Habsburški period*, Sarajevo: Savremena islamska misao, El-Kalem.
- (2015), *The Other European Muslims: A Bosnian Experience*, Sarajevo: Centar za napredne studije.
- Lesjak, Gregor (2019), 'Evolucija odnosov med državo in verskimi skupnostmi od nastanka Republike Slovenije do danes', in *Znanost in družbe prihodnosti. Slovensko sociološko srečanje. Bled, 18–19 oktober 2019*, ed. Miroljub Ignjatović, Aleksandra Kanjuo-Mrčela and Roman Kuhar, Ljubljana: Slovensko sociološko društvo, pp. 150–3.
- Pašić, Ahmed (2002), *Islam in muslimani v Sloveniji*, Ljubljana: Učila International.
- Piko, Mojca (2004), *Političnogeografska problematika Islamske verske skupnosti v Sloveniji*, PhD thesis, University of Ljubljana.
- Porić, Ela, and Aleš Črnič (2021), 'Reprezentacije islama in muslimanov v slovenskih osnovnošolskih učbenikih', *Dve domovini: Razprave o izseljenstvu* 53, pp. 117–33.
- Šabec, K. and M. Pucelj (2020), 'Muslims in Slovenia – Exemplary Legislative Framework and Deficient Executive and Judicial Anti-discrimination Practices', in *State, Religion and Muslims: Between Discrimination and Protection at the Legislative, Executive and Judicial Levels*, ed. M. Saral and S. Bahçecik, Leiden: Brill, pp. 396–452.
- Šircelj, Milivoja (2003), *Verska, jezikovna in narodna sestava prebivalstva Slovenije: Popisi 1921–2002*, Ljubljana: Statistični urad Republike Slovenije.
- Voje, Ignacij (1996), *Slovenci pod pritiskom turškega nasilja*, Ljubljana: Znanstveni inštitut Filozofske fakultete.
- Zakon o varstvu osebnih podatkov (ZVOP) (St. 52-2526/2002) (2002)*, Ljubljana: Uradni list Republike Slovenije.
- Zalta, Anja (2005), 'Muslims in Slovenia', *Islamic Studies* 44 (1), pp. 93–112.
- (2017), 'Islamophobia in Slovenia: National Report 2016', in *European Islamophobia Report*, ed. E. Bayraklı and F. Hafez, Ankara: SETA, pp. 531–43.

The Relationship between State and Islam in Hungary: From Empire-building to Nation State-building

KRISZTIÁN CSAPLÁR-DEGOVICS

INTRODUCTION

According to Andre Gingrich, the memory of the Ottoman–Habsburg wars had been deeply rooted in the minds of the imperial elite of the Habsburg empire and in the everyday practice of *Volkskultur*. This memory, Gingrich notes, generated a new image of the Orient and the ‘Oriental’ in German-speaking Austria: a type of Orientalism that he calls ‘frontier Orientalism’. In other words, the relationship of the Habsburg empire (and the nation-states that emerged after its demise) with its ‘Oriental’ neighbours had its own unique roots and characteristics, resulting in a different type of Orientalism. Frontier Orientalism is manifested in tales, legends, idioms and monuments of *Volkskultur*, which referred to the ‘Turkish period’ and were used as signifiers for Austria as a frontier country and a bulwark against the ‘Orient’. As Gingrich articulates, these tales, idioms and monuments were major reservoirs of exotic Oriental motifs in Habsburg architecture and art. However, after the occupation of Bosnia Herzegovina in 1878, a new dichotomy emerged: ‘good’ (Bosniak) and ‘bad’ (Ottoman/Turk) Muslims. Nevertheless, Gingrich argues that frontier Orientalism became an integral part of the making of modern Austria, also offering a framework within which to analyse current events and debates over Austrian identity and history, and Islam in Austria.¹

In the case of Hungary, Gingrich’s analysis of frontier Orientalism should be treated with some reservation. The theoreticians and engineers of Hungarian nation-building regarded the Hungarian ethnic group as being, since the ninth

¹ Gingrich 2003: 110–29; Gingrich 2016: 156–63.

century, an Oriental people who preserved their 'Oriental characteristics' even after they settled in Europe. The establishment of the relationship with the Orient thus had different foundations in Hungary and Austria. Although Orientalism and nation-building went hand in hand in the case of Hungarians as well, and Hungary too was for centuries considered a frontier country by its inhabitants, and a bulwark against the 'East', the relationship between state and Islam in the late Austro-Hungarian period was influenced not so much by a local form of Orientalism as by the empire-building efforts of the Hungarian state and the outbreak of the First World War. The history of Muslims in Hungary after 1918 also demonstrates how the Hungarian state ceased its empire-building efforts gradually, while never revoking Act XVII – the Law on the Recognition of Islamic Confession in the Hungarian part of the Habsburg Monarchy (1916; hereafter the Recognition Act).

This chapter aims to analyse this historical trajectory. By comparing three periods (interwar Hungary, the Communist era and Hungary after Communism), I analyse how the nation-state-building efforts of successive Hungarian governments interacted with the interests and demands of Muslims as a religious community, especially with regards to Hungarian citizenship. I argue that contemporary Hungarian attitudes to Islam, as well as the policy frameworks of the Hungarian state, are rooted in the ideas and debates of the 1930s and 40s, rather than in the civilisational references and Orientalism of Habsburg Central Europe.

THE PATH OF ISLAM IN HUNGARY

On 24 March 1916, the Hungarian Parliament approved the Recognition Act. This legislation was the second in Europe to acknowledge Islam as an officially recognised religion by the state. It was also the first to include all four schools of Sunni Islamic religious law, since the Islam Act of 1912 in Austria (the first such legislation in Europe) had recognised only Hanafi Sunni Islam. It had been a long road to get to a point in Hungary where Islam transformed from an enemy into a friend or, in certain instances, an ally. The long wars against the Ottoman empire from the sixteenth to eighteenth centuries had caused a massive population decline and hardship in Hungary. But by the beginning of the twentieth century, those conflicts had partly been forgotten and partly been romanticised. And this change in attitude to Muslims and Islam had been greatly facilitated by the policy of the sultans in Istanbul, who had welcomed with open arms refugees fleeing the failed Hungarian freedom struggles in the eighteenth and nineteenth centuries.²

² Karpát 2002: 169–83; Csorba 1999: 10–43.

Another turning point in the position of Islam in Hungary was the Russo-Turkish War (1877–8), when demonstrations of solidarity with the Ottoman empire were held in Budapest and several towns across the country. The Hungarian public considered Russia – the great power that had crushed the 1848–9 Hungarian War of Independence – the most significant threat to their country. Moreover, during the Eastern Crisis of 1875–8, when there were several uprisings in the Ottoman Balkans, Turcophile Hungarian intellectuals, such as the Turkologists Ármin Vámbéry and Béla Erődi-Harrach, successfully propagated the idea of ‘Turkish–Hungarian friendship’, which was embraced by the Hungarian government because of its anti-Russian stance.

Austria–Hungary occupied Bosnia Herzegovina in 1878. There – in contrast to Serbia and Bulgaria, but similar to other European colonial empires with Muslim populations (Great Britain, France, Holland, Russia) – the Austro-Hungarian army did not expel the Muslims. The Habsburg governors of Hungarian origin, who led the provinces for almost four decades, sought to integrate Muslims both individually and as a community into the social order of Habsburg Central Europe. Although Muslims had lost their leading role, they were able to hold many political and economic positions and maintain their religious foundations (*waqf*). The Habsburg state did, however, launch an educational and cultural programme to ‘modernise’ Muslim society. In the joint army, Muslims were provided with the conditions to comply with their religious regulations.³ Benjamin Kállay, the joint finance minister and governor of Bosnia Herzegovina between 1882 and 1903, wanted to promote the integration of Muslims as a community by creating for them a church-like organisation that was independent of Istanbul and whose autonomous religious leader was the sheikh ül-Islam in Sarajevo. In addition, Kállay launched a successful propaganda campaign in Austria, representing Bosnians as ‘good Muslims’. In Hungary, the propaganda was more about making sure that the friendship felt in certain circles towards the Turks was extended to Bosnian Muslims. According to Gingrich, the emergence of the image of a ‘good Muslim’ brought a turning point in the world view of the Austrian-German *Volkskultur*, because after 1878 it advertised a positive image of Islam and the ‘Oriental’.⁴

On the eve of the First World War, the political leaders in both parts of the Habsburg empire realised that the legal status of Islam had to be regulated. In the Hungarian case, the adoption of the Recognition Act was facilitated mainly by four dynamics: Hungary’s empire-building plans in Bosnia Herzegovina, the

³ Okey 2007; Ress 2008: 257–67.

⁴ Gingrich 1998: 106–11.

liberal currents in Hungarian politics, Hungarian Turanism intertwined with Orientalism and the establishment of the Turanian Society.⁵

The idea of Hungarian empire-building gained impetus after the turn of the century, when most representatives of the parliamentary parties, both pro-government and opposition, lined up behind it. An important element of this slowly developing project was that Bosnia Herzegovina, instead of being part of joint Austro-Hungarian rule, should come under the exclusive political, economic and cultural authority of the Kingdom of Hungary, in a subordinate, dependent (asymmetrical) form. The theoreticians of this vision believed that the support of Bosnian Muslims would be essential to achieve such a goal, because of the supposed resistance of local Croats and Serbs. It is also known that some influential Muslim groups were not averse to such a dialogue with the Hungarians.⁶

In order to win the sympathy of the Muslims, it was necessary to make concessions towards Islam, for which the annexation of Bosnia Herzegovina in 1908 provided an excellent opportunity. In 1909, it was suggested that a Muslim religious community be established in Budapest, under the spiritual care of an imam, Abdüllatif Tanrısever (1886–1946), who was brought from the Ottoman empire. Tanrısever, who was born in Tbilisi and studied in Istanbul, was recommended to the Hungarian government by the Ottoman sheikh ül-Islam in Istanbul.⁷ Although the religious community could not be established, dozens of young Bosnians came to study in Hungary as part of a state scholarship programme. In order for them to practise their faith, the idea of officially recognising Islam gained impetus. The concept of operating the (Bektashi) Gül Baba tomb, in the Buda part of the Hungarian capital, as a religious centre also came up.⁸

The settling of the legal situation of various denominations fitted well into Hungarian trends of liberalism. In general, it took a long time for a newly emerging denomination to move from being ‘tolerated’ (or even sometimes persecuted) to ‘recognised’ or ‘established’ (i.e. to continue its religious life within a legally recognised and regulated framework, enjoy rights of self-government and claim support from the state).⁹ The Eastern Orthodox Church and the Continental Reformed (Calvinist and Lutheran) churches had become ‘established’ churches in 1790–1, the Unitarian Church in 1848 and Judaism (the first non-Christian religion) in two stages, in 1867 (with Act XVII) and 1895 (Act XLII). The latter law served as the direct starting point for the recognition of Islam in Hungary.

⁵ Csaplár-Degovics 2022: 49–201; Csaplár-Degovics and Jusufi 2020: 55–60.

⁶ Csaplár-Degovics 2022: 146–60.

⁷ HNA, K 26-1911-XLI-1886, no. 792, 1–4.

⁸ Ágoston and Sudár 2002.

⁹ Recognised churches and religions had narrower self-government rights than established religions.

Positive attitudes to Islam were also facilitated by scientific expeditions launched by Orientalist linguists, ethnographers, geographers and aristocrats in the eighteenth and nineteenth centuries to Asia to search for the ancient homeland and possible relatives of Hungarians.¹⁰ These expeditions and their results served as a good basis for strengthening modern Orientalism rooted in the Enlightenment, and to adapt it to the intellectual trends of the time. However, the development of Hungarian Orientalism always went hand in hand with the development of nationalism in the country, and views of the national past with its acme in the millennial celebrations of the conquest of the Carpathian Basin in 1896. In addition to being a 'scientific' movement aimed at the canonisation of a Hungarian national past, Turanism became popular as an ideology rebranding Hungarians based on their linguistic and cultural kinship with other nations of Asiatic origin, such as the Turks, Mongols and Finno-Ugric people.

Turanism was actually a kind of racial 'science' that was nothing but a complex set of heterogeneous ideas and thoughts on how Hungarian nationalists defined Hungarians and saw their place in the world. It was rooted in nineteenth-century Romanticism, which had parallels elsewhere in Europe before the interwar period. Turanist thought had its own evolution, and even in its cradle seemed inseparable from the question of the origin of the nation, which has always been ideological.¹¹ As such, it influenced almost all members of the Hungarian political, social and artistic elite significantly, albeit in varying degrees.¹² As Ildikó Farkas indicates, 'Turanic' as a political term appeared in the second half of the nineteenth century:

The basis of Turanism was the idea that Hungarians belong with the Turanic peoples, therefore their task is to research and get to know the other peoples of Turanic ancestry and, by building closer cultural and economic relations, to develop a certain cooperation, or even, according to some interpretations, to create political collaboration, the so-called 'Turanic alliance'.¹³

Turanism gained even more ground when the movement started to institutionalise. The Turanian Society (also known as the Hungarian Asiatic Society) was founded in 1910. Its members constituted the political, economic and also, to some extent, scientific elite of Hungary. The idea was to follow the British (Royal Asiatic Society) and German (Deutsch-Asiatische Gesellschaft) examples and organise a society that, besides setting out scientific and cultural goals, would promote and represent Hungary's economic interests in the parts of the 'Orient'

¹⁰ Róna-Tas 1986: 33–44.

¹¹ Oláh 2012: 67–86.

¹² Farkas 2006: 52.

¹³ Farkas 2006: 52.

inhabited by peoples considered to be of Turanic origin. It functioned in much the same way as a present-day think tank to promote the ambitious plans of the Hungarian political elite in Eurasia by creating an informal empire in Southeast Europe, Anatolia and, if conditions were favourable, Central Asia, to turn these regions into a market for Hungarian agrarian and industrial products. Therefore, Hungarian Turanism became the core of a new imperialistic ideology.¹⁴

It is not surprising, then, that the Hungarian Recognition Act was supported by Turanist circles. But why was it important to have a law in Hungary, separate from the Austrian one, to regulate the rights of Muslims in the first place? In accordance with the Compromise of 1867, the Austrian and Hungarian states maintained their own separate legal systems within the joint empire. Austria and Hungary had separate parliaments and governments, and contracted international commercial treaties independently of each other. Austrian laws, in other words, were not in effect in Hungary, and vice versa. That is why the recognition of a religion had to be governed by separate laws in both states. However, there were also reasons stemming from the imperatives of Hungarian nationalism and empire-building.

THE RECOGNITION ACT OF 1916

The recognition of Islam in Hungary was part of Hungarian plans for empire-building, but it was also urged by the joint minister of foreign affairs, Alois Lexa von Aehrenthal, in 1909 to mitigate the negative consequences of the crisis after the annexation of Bosnia Herzegovina. In a letter to the Hungarian premier, Sándor Wekerle, the joint minister warned that a major goal of the dualist state was to settle and ameliorate relations with the Ottoman empire and to hinder Muslim emigration from the annexed provinces. He drew attention to the fact that the Austrian ministry had made the necessary preparations to acknowledge the legal status of the Sunni Hanafi rite in Austria, and enclosed the Austrian draft bill with his letter. In response, Wekerle ordered the historian Lajos Thallóczy, a known Turanist (and former confidant of Kálla), to prepare a bill for the recognition of Islam in Hungary.¹⁵

The Hungarian proposal took into consideration the Austrian draft bill of 1909, existing Hungarian law and Tanrisever's ideas, as well as the principles and regulations of Bosnian Muslims and the Hungarian Jewish communities. The original idea in the premier's circle was that, until the new law on the recognition of Islam was implemented, the Ottoman imam, Tanrisever, could

¹⁴ HNA, P 1384, 1/2, letter draft of Pál Teleki, 16 January 1912, 1–5; HNA, K 28, 211/412/II, 8–9; 'A Turáni' 1916: 317–18; Bell 2013: 543–6; Csaplár-Degovics 2022: 194–7.

¹⁵ HNA, K 26-1911-XLI-1886, IV/2/1909 and IV/25/1909, no. 1511.

continue practising under Act XLII of 1895, which regulated the free practice of religion. However, four paragraphs (7, 8, 12 and 17) of that law made the recognition of Islam difficult. The law stated that only Hungarian citizens were allowed to establish a new church in Hungary – but there were only eight Muslims with Hungarian citizenship living in Budapest at the time.¹⁶ The law also stated that leaders of the church had to be Hungarian citizens and have gained their religious qualifications in Hungary – but, as we have seen, Tanrisever had trained in Istanbul and was an Ottoman citizen. Foreign citizens were allowed to belong to the religious community, so soldiers of the Bosnian Muslim infantry regiment serving in Budapest could automatically be members. Any establishment of a new religious community had to be proposed by the founders in writing to the minister of education and religious affairs. Such an application could be rejected by the minister only if the organisational statutes of the religious community were against Hungarian law. Finally, §17 of the law of 1895 prohibited any form of foreign political supervision of inland religious communities. This was a problem because the head of all Ottoman Muslims was the caliph in Istanbul, who was at the same time the sultan of the Ottoman empire, simultaneously a political and spiritual leader. Another problem was whether the new religious community would fall under the jurisdiction and administrative power of the Bosnian or Ottoman sheikh ül-Islam.

Tanrisever's proposals and regulations, which contained articles regarding Islamic faith, law and morals, were submitted to Thallóczy in April 1909. Thallóczy, who considered them inadequate, sent them to Sarajevo for the opinion of trusted members of the Austro-Hungarian administration and Orientalists based there.¹⁷ Their criticism and revision of the text were summarised by János Krčsmárik, high commissioner of the Landesregierung in Sarajevo and general commissioner of the *Waqf* Committee, on 18 May 1909. His first clear-sighted note was that existing Hungarian law should be applied in a flexible way, because no one could have known when this legal framework was drawn up that Islam would come to be a recognised religion in Hungary. He drew attention to two aspects. First, in the case of new religious communities, regulations should be detailed and not general. Second, he pointed out that Islam regulates not only religious life, but also other aspects of existence that were, according to Western legal tradition, regulated by *ius privatum* (marriage, heritage and so on). Therefore, Islamic practices and norms might contradict Western law. Thorough work would be needed to reconcile Islamic rights with the Hungarian legal system.¹⁸

¹⁶ HNA, K 26-1911-XLI-1886, no. 792, and 1454/III/17/1909ME.

¹⁷ HNA, K 26-1911-XLI-1886, IV/25/1909 annex: Statut d'Organique of the Islamic denomination applying for official recognition in Hungary, 1–6.

¹⁸ HNA, K 26-1911-XLI-1886, IV/25/1909, letter from Krčsmárik to Thallóczy, Sarajevo, 18 May 1909.

Krcsmárik argued that Muslims had to get equal (civil) rights in a way that *ius privatum* would fall under the state's jurisdiction. He believed a new, general law was needed, one that ensured that the civil code overwrote religious regulations. In other words, the civil code would have higher authority and apply to Muslim citizens of the state too. But he also suggested that some religious issues related to Sharia law (*shariat*) should somehow be incorporated, as had been done in Bosnia Herzegovina, where this approach seemed to work. The modern ulema there understood the significance of this incorporation, and did not consider that Sharia had ceased to exist or was prohibited by the state. Beside *ius privatum*, Krcsmárik noted, the state should have authority over criminal law, and courts (including judges) should be secular. There were only two questions to be resolved: what should be done regarding the regulations requiring Hungarian citizenship for the formation of a new religious community, and the prohibition of foreigners from becoming leaders of religious communities.

The group of experts invited by Wekerle had finalised the bill by the autumn of 1909. While it was mainly based on the Hungarian law of 1895, it had similarities with the Austrian law of 1912. The bill recognised and protected Sunni Hanafi institutions, customs, doctrines and rituals, on condition that they were not against Hungarian law. The Muslim community in Hungary could have links with the Bosnian Muslim community and organisation, but was to be under the supervision of the Hungarian minister of education and religious affairs. The Hungarian Recognition Act, by contrast with the Austrian one, outlined in detail who could become members of the new religious group. This included Hungarian citizens, Bosnian Muslims and Muslims without Hungarian citizenship if they lived in an area that was under the legal authority of the Hungarian Muslim community. Another difference with the Hungarian law was in connection with the leader of the religious community. The leader was to be selected by the members of the community, but if the person elected were not a Hungarian citizen, their election should be confirmed by the ministry. It would also be up to the ministry to decide whether to accept the qualifications of the elected leader.¹⁹

The bill, despite being discussed in parliament, was never adopted into law, although it is not clear why. The early years of the First World War proved that Bosnian soldiers were trustworthy, and respect for them grew. As the Ottoman empire entered the conflict on the side of the Central Powers, scholarly and public interest in Muslims gained new impetus in Hungary, and Turkophilism and a pro-Islamic attitude became part of the state propaganda. On 30 November 1915, a year after the Ottoman declaration of war, Béla Jankovich (minister of

¹⁹ HNA, K 26-1911-XLI-1886, 2025/909, Hungarian draft law on the recognition of the Hanafi school of Islam.

education and religious affairs at the time and a political representative and important financial supporter of Hungarian Turanists) submitted to parliament a bill regarding the recognition of Islam. The bill contained only five short paragraphs and an explanatory section. The minister's major argument was that although the law of 1895 was valid for Muslims living in Hungary, recognised and established churches enjoyed greater protection, support and religious freedom. Without such recognition, the members of religious groups were not entitled to acquire and own religious (communal) property, for example, or to maintain and operate schools. Jankovich relied on the ideas and debates that had shaped the draft bill of 1909, and suggested that a similar status be granted to Islam.²⁰ He also suggested that any formal link of the Hungarian Muslim community with the Bosnian one should require the approval of the minister of education and religious affairs, to prevent any question of dependence on a foreign entity. The relationship of the latter to the Ottoman sultan and the Hungarian Kingdom had been settled successfully by then, by taking into consideration the interests of both the religious community and the state. The proposal also accepted religious qualifications obtained in Bosnia, although the acquisition of Hungarian citizenship was strongly advised.²¹

The debate on Jankovich's bill began on 12 January 1916. It was proposed by the well-known Turanist and writer Gyula Pekár, and most MPs agreed to accept it. There was no real debate, except on questions of public and historical law. Parliament accepted the law on 24 March 1916; it was not as detailed as the proposal of 1909, and resembled only in principle the Austrian law of 1912. The law considered Islam a 'recognised religion' and allowed the free practice of it and the establishment of religious organisations under the supervision of the minister of education and religious affairs, who was authorised to regulate all related details. The general opinion in parliament was that although the number of Muslims in Hungary might grow and a congregation might be established in the future, the chances of Muslims gaining too much social significance in the country were slim. In other words, the ratification of the bill was more a gesture to strengthen (Austro-)Hungarian-Turkish brotherhood-in-arms than an attempt to encourage Muslims or the practice of Islam in Hungary. All in all, the ratification and promulgation of the recognition of Islam in Hungary were connected directly to the outbreak of the First World War and a consequence of the Ottoman entry into the conflict on the side of Austria-Hungary.²²

²⁰ Medriczky 1934: 104–7.

²¹ Ibid., 108–9.

²² *Az 1910. évi június hó 21-ére 1916: 1–8.*

THE LEGACY OF THE ISLAM POLICY OF THE HABSBURG EMPIRE: THE FIRST
HUNGARIAN ISLAMIC CONGREGATION (1931–45)

Austria–Hungary’s defeat in the First World War did not spoil relations between Hungary and Turkey. In the interwar period, Hungarians emigrated to Turkey in two waves: first between 1923 and 1928 and later as a consequence of the Great Depression from 1929 to 1931. In the first wave, nearly 600 Hungarian Turanist intellectuals emigrated in order to take part in Turkish nation- and state-building. In the second wave, more than 10,000 Hungarians arrived in Turkey, mostly manual labourers and engineers.²³ Andor Medriczky was one Hungarian intellectual who immigrated to Turkey in the first wave. He returned to Hungary in 1929 and contributed to the formation of the first Hungarian Muslim congregation as the notary of Budapest City Council. Besides a few Hungarian intellectuals, the members of this first congregation in Budapest were mainly the Bosnians and Albanians who had served in the former joint army of Austria–Hungary and were granted Hungarian citizenship after 1924.

By forming a Hungarian Muslim congregation, Medriczky intended to make Hungary open to the Islamic countries, and hoped to turn the country into an economic hub between East and West. While pondering the relationship between Islam and Hungary, he contacted certain Turanist groups. Eventually, he formed strong ties with the Hollós Mátyás Association, the members of which were primarily the leading officials of Budapest and which acted as an influential political and cultural lobby group in Hungary at the time. The lobby had its own weekly paper, had been keeping the cult of Gül Baba on the agenda since 1914, and promoted the idea of erecting a mosque in Budapest.

The new congregation was formed on 2 August 1931 and adopted the name Gül Baba Islamic Congregation, although it was not recognised by the state as an official religious community. Its members were of mixed ethnic origin: Muslim Bosnians, Albanians and Turks from Budapest and members of the Hollós Mátyás Association. The participants accepted statutes and elected as their spiritual leader Hussein Hilmi Durić (1887–1940), who bore the title High Imam of Budapest from 1932 onwards. Durić, a Bosnian imam, had obtained his qualifications in Egypt and was the last military High Imam of the joint Austro-Hungarian army. Tanrisever, meanwhile, was elected *kadi* (judge), but refused the title and position. He claimed that in 1908 he had been appointed religious leader of Muslims in Hungary by the sheikh ül-Islam of Istanbul, but he was not able to present any documents to back this up. Durić’s legitimacy as leader of the Congregation was recognised by the Congress of European Muslims, as well as by the Sunni and even the Bektashi order of Albania, among whom Durić

²³ Molnár 2015: 178–9.

also tried to gain recognition as regional religious leader.²⁴ Overall, although Tanrisever eventually won the support of national Turanist organisations in Hungary as well as of the Turkish government, the Congregation – that is, the only legitimate organisation of Muslims with Hungarian citizenship – considered Durić their imam.

Despite the Recognition Act, the Hungarian state did not officially recognise the Gül Baba Islamic Congregation, although it tolerated its activities. The main reason for this was that although Muslims were loyal to the Hungarian nation and state, they were attacked regularly by the Catholic and Protestant press. Such attacks were not motivated by religious reservations. Rather, the press saw the Muslim community as an outgrowth of Turanism; accordingly, the extreme tendencies of Turanism were in its sights, rather than Islam itself.

Because the state refused to recognise the first autonomous congregation of Muslims of Hungarian citizenship, certain groups of Turanists supporting the Congregation founded the Gül Baba Cultural Committee in 1932. The Congregation and the Cultural Committee shared the same goals: they wanted to acquire the Gül Baba tomb and surrounding estates with the financial support of the Islamic world, and sought to create a European Islamic educational centre, with a mosque, boarding school and college. They also planned to publish a Hungarian translation of the Qur'an, and they worked, by all possible means, to facilitate good relations between Hungary and the Muslim peoples of the world.²⁵

The most prominent international patron of the Budapest Muslim community was Chakib Arslan (1869–1946), president of the Comité Syrio-Palestinien, an organisation working alongside the League of Nations in Geneva. Arslan came to know Durić in 1931 and offered him his patronage without hesitation. Between 1932 and 1935, Arslan spread the word about the Hungarian Muslim congregation in many major Muslim countries of the world, encouraging Muslim secular and religious dignitaries to travel to Budapest and support the cause of the Gül Baba Mosque. In 1935, the Congress of European Muslims was held in Geneva, to which Arslan invited representatives of the Hungarian Muslim congregation. He also had Durić elected to the executive committee of the Congress.²⁶

As a direct consequence of the gathering, Durić and the Congregation's secretary, Mehmet Resulović, set out on a journey to the Middle East and South Asia that lasted for several months in 1935–6. Taking in Alexandria, Jerusalem, Damascus, Baghdad, Bombay (Mumbai) and Hyderabad, they aimed to collect donations for the building of the mosque in Budapest (Fig. 10.1). Although the

²⁴ 'A budai főimám az albán királynál', *Budai Napló*, 24 March 1932, p. 3; 'Zogu király ajándéka Budának', *Budai Napló*, 3 April 1932, p. 1; CAB IV/24/III, Gül baba társaság és komité [Gül Baba Society and Committee].

²⁵ Ágoston and Sudár 2002: 79–81.

²⁶ Léderer 1989: 61.

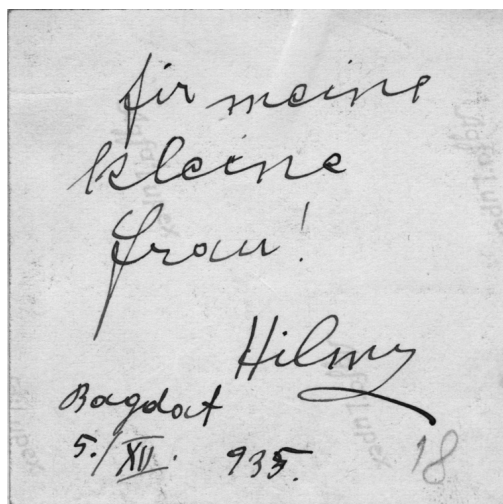


Figure 10.1 Front and back of a photo showing Hussein Hilmi Durić (third from left) in Baghdad, 5 December 1935. © Budapest Főváros Levéltára (XIV/24).

Gül Baba Cultural Committee supported the fundraising, it was frowned on by the Hungarian authorities. A lack of sources means that the reason for this can only be guessed. It may be that the authorities regarded Arslan with suspicion because the Hungarian state traditionally did not tolerate attempts from abroad to influence domestic religious communities. Or, the Hungarian authorities may have feared that the Gül Baba Cultural Community would become a political tool for Germany, since during his journey Durić formed a close relationship with the anti-Semitic head of the Pan-Islamic Congress in Jerusalem, Grand Mufti Mohammed Amin al-Husseini, a partner of the National Socialist government in Berlin in the 1930s.²⁷ Finally, Durić himself may have given the authorities an excuse to mistrust him, as reported by Resulović. In his speeches during the tour, the High Imam of Budapest, as the Congregation called him, painted a dark picture of the fate of European (including Hungarian) Muslims. These speeches might have disturbed the Hungarian authorities through their tendency to create misunderstandings regarding the Hungarian state's attitude to Muslims.²⁸

Although the Bosnians and the Albanians who formed this first Muslim community did everything they could to win the sympathy of Hungarian society, the press often ridiculed them. Despite being discussed incessantly in the press, the group had only marginal significance, and nobody except the supporting group of Turanists took it seriously. In the 1930s, Hungary was still suffering the effects of the Great Depression, and in a decade marked by the spread of fascism and national socialism, the society took little interest in Muslims' denominational problems. The outbreak of the Second World War only added to the difficulties of the Hungarian Muslim congregation. Its members became destitute. Poor living conditions exacerbated the lung damage Durić had sustained during the First World War, and on 3 February 1940 he unexpectedly passed away. Because of his heroism and the sacrifices he had made for Hungary during the war, he was buried with military honours, with the permission of Regent Miklós Horthy. Having lost its leader, the Muslim congregation soon fell apart.

Overall, it can be concluded that the first Hungarian Islamic Community in the interwar period was the heir of both the joint Austro-Hungarian imperial policy and pre-1918 Hungarian imperial ambitions. Its character was determined primarily by this fact, and not by the views of its members or supporters, who formed a relatively isolated group within Hungarian Turanism.

²⁷ Gensicke 2007: 30; Steininger 2015: 57.

²⁸ CAB XIV/24/III, Gül baba társaság és komité [Gül Baba Society and Committee] and Medriczky Andor ir. szfőv. tanácsjegyző 1925–1942 [Andor Medriczky, notary of Budapest City Council].

RUPTURES AND CHANGES IN THE MANAGEMENT
OF MUSLIM COMMUNITIES

In the aftermath of the Second World War, Hungary came under Soviet influence and joined the community of socialist states. The representatives of the new official ideology regarded all forms of nationalism as hostile and aimed at building a secular state. The new communist approach severely restricted the free practice of religion and the functioning of churches, affecting all denominations; the relationship between the state and religion was completely dependent on the state. Although Act XXXIII of 1947 formally abolished the distinction between established and recognised denominations (Islam fell under the latter definition), the state did not allow Muslims in Hungary to reorganise their religious community or exercise their faith openly. The law paved the way for the Communist state power to limit or prevent the operation of religious organisations by simple legal means. The Communists wanted to break the influence of the great Christian churches and to liquidate smaller denominations. That is why members of the Gül Baba Islamic Congregation, which had operated between the wars, had to gather secretly to pray for a few years and why the majority of its members eventually left Hungary in 1948 or during the revolution of 1956.

During the decades that followed, however, thousands of Muslim students came to study in Hungary from other countries with socialist regimes, both from the Soviet Union and from the Middle East. The Hungarian police allowed Muslim students in Hungary to practise their religion. To organise their religious life, these students were also allowed to establish their own organisation, the Association of Muslim Students. Influenced by these students, from the 1970s onwards, some Hungarians chose to convert to Islam.

The national security forces tried to separate converted Hungarians from Muslim foreigners through the use of such measures as police harassment, the prohibition of higher studies and the confiscation of passports. Still, the number and self-organising power of Hungarian Muslims grew. In 1988, the State Office for Religious Affairs registered the Hungarian Islamic Community (HIC) as a 'recognised church'. That recognition was confirmed in 1990 by the Court of Budapest in accordance with the new church law (Act IV on freedom of conscience and religion and on churches), and also in 2012 by the post-socialist Hungarian parliament. The granting of state recognition to HIC shows continuity from 1988 to 2012 in the official reasoning that there was a legal continuity between HIC and the former Gül Baba Islamic Congregation. It is important to note, however, that the HIC builds its self-legitimation not only on the quondam Congregation, but also on the decades of Habsburg Islam policy and relations with Muslims (1878–1918). The reason for its insistence on that

heritage is that after 1989 the Turkish state, referring to Tanrısever's alleged status as the former High Imam of Budapest, made several attempts to bring Muslims of Hungarian citizenship under its influence. By emphasising its origins in Austro-Hungarian imperial policy, the HIC aimed to demonstrate that it had Central European rather than Ottoman roots.

MUSLIM COMMUNITIES IN PRESENT-DAY HUNGARY

Two laws currently regulate the legal and political situation of Muslims in Hungary. On the one hand, the Recognition Act of 1916, which elevated Islam to a recognised and freely practised religion, is still in force. On the other, in 2011 the Hungarian Parliament adopted the ecclesiastical Act CCVI, which severely restricted the range of recognised religious organisations and churches. Under that new law, domestic Muslim organisations lost their ecclesiastical status. After lengthy parliamentary debate and political negotiation, however, the law was amended in 2012, and parliament recognised the Hungarian Islamic Council established by the Church of Muslims in Hungary, also known as the Organisation of Muslims in Hungary (OMH), and the HIC. The Council is one of the official representatives of Muslims in Hungary, since the two founding organisations (OMH and HIC) also remained legitimate representatives of Muslims.

The HIC had about 1,200 members in 2009, approximately 300 of whom lived abroad.²⁹ Most are Hungarian citizens, but there are several former Bosnian refugees from the migrations of the 1990s, and Albanians. The community, which has prayer rooms in Budapest, Debrecen, Győr and Siklós, seeks to work towards all the goals formerly set by Đurić's Gül Baba Islamic Congregation. Its main aims are to establish an Islamic cultural centre to advocate for dialogue with Christian and Jewish organisations, and to create uniform legal protection for Muslims. It provides spiritual care for Muslims in prison, sends humanitarian aid to war-torn Muslim countries (Bosnia Herzegovina in the 1990s, Iraq in 2003, Sudan in 2004, Indonesia in 2005, Pakistan in 2006 and, since 2007, Syria) and supports the victims of natural disasters in Hungary. What makes the HIC unique is that, in a similar way to the interwar period, it identifies fully with Hungarian national causes and policy, and regards the Hungarian state with the utmost loyalty. It focuses on spreading Hungarian national thought among Muslims studying or living in Hungary, and among those who wish to settle in the country.³⁰ Accordingly, it also gives the utmost importance to maintaining

²⁹ According to the 2022 census, there are nearly 8,000 Muslims of Hungarian nationality living in Hungary. However, it is not clear from the statistics how many of them are members of the HIC. See Weiler 2022.

³⁰ Bolek 2014.

legitimacy in the eyes of the Hungarian state by countering the ambitions of the Turkish state to expand its economic and religious influence among Muslims living in former Ottoman territories. It was with this motive that the HIC contacted Hussein Kazazović, Grand Mufti of Sarajevo, in 2013, and requested him to be the religious leader of the Hungarian Muslims.³¹

The HIC suffered atrocities because of the migrant crisis resulting from the war in Syria and the emergence of the Islamic State (ISIS). Tens of thousands of migrants have been registered by the state authorities since 2011, the largest waves of which came in 2013 and 2016–17.³² Hungarian Islamophobic groups see no difference between incoming refugees/migrants and members of the HIC, showing that the role of the HIC is just as marginal as that of the Gül Baba Islamic Congregation in the 1930s. The HIC actively supported refugees, but also continuously emphasised that it considered ISIS a terrorist organisation and held that economic migrants should not be allowed into Europe. It also proposed an integration policy package for the government, advising the government to grant some Muslim refugees the right to settle in the country, so that they could be integrated into the Hungarian Muslim community.³³ It was under these circumstances that the HIC repeated its request for the High Mufti of Sarajevo to be its religious leader.

There were also splits within the Muslim community. In 2000, the Organisation of Muslims in Hungary (OMH) was established by a group of mainly Arab Muslims who were dissatisfied with the way the HIC managed religious life and its aim to ‘Magyarise’ the community. The OMH launched its own periodical, *Új Gondolat* (New Thought). Another organisation, the Islamic Church (mentioned above), was formed in 2003, but lost its ecclesiastical status in 2012 owing to the ecclesiastical Act CCVI. This ‘church’ continues to operate in the form of the Peace Charity Foundation, which, like the HIC and OMH, is a Sunni Muslim organisation. Finally, in 2017 the Islamic Church of Bosniaks in Hungary was founded in Harkány. This organisation carries out religious and cultural activities for Bosnians living in the south of the country.

Currently, the majority of Muslims in Hungary are either first-generation Muslim migrants who have Hungarian citizenship or first-generation residents who are Turkish, Arab, Albanian, Bosnian or Iranian. Migrants from Pakistan and the Balkans (mainly Kosovo) also play a significant role in the Hungarian Muslim communities. The researcher Szabolcs Zoltán Sulok estimates that there are about 30,000 Muslims in Hungary (2021), but there are estimates that put the number at between 40,000 and 50,000 (2023).³⁴ They practise their

³¹ ‘Delegacija Islamske zajednice Mađarske kod reisu-l-uleme’ 2013.

³² Pap 2014: 205.

³³ Bolek 2016.

³⁴ Cited in Munif 2021; Kassai 2023.

faith largely in neophytic communities, that is to say that Muslims arriving from the same country or historical-geographical region form their own little communities. They have foundations that support the religious and cultural life of Muslims, such as the Alvakf Foundation, the Hanif Cultural Foundation and the Gül Baba Foundation, as well as NGOs, such as the Dialógus Platform Egyesület (Dialogue Platform Association), which facilitates dialogue with other denominations and wider society. As of 2016, Muslims in Hungary had fourteen prayer rooms or mosques, six of which were in the countryside and one of which belonged to Shi'a Islam (Ansar Ahl ul-Bayt Shia Alliance of the Carpathian Basin).³⁵ There is also a very small Ahmadiyya Muslim Jamaat community in Budapest.³⁶ It is noteworthy that two of the religious places, Malkocs Bey Mosque in Siklós and Jakovali Hassan Mosque in Pécs, date back to the Ottoman era and today function primarily as museums.³⁷

CONCLUDING REMARKS

In this chapter, I have demonstrated how the relationship between Muslims, Islam and the state has changed depending on the policy of the Hungarian state, swinging from empire-building during the late Habsburg era to nation-state-building after 1918. While empire-building aimed at the integration of diverse religious elements, including Muslims, in the latter policy the national homogenisation of citizens played a decisive role. Therefore, relations between Islam and Turanism (the intended ideology of Hungarian empire-building) have changed between the turn of the twentieth century and the present day. The positive attitudes of Turanism towards Islam and Muslim communities in Hungary have been gradually forgotten, despite the fact that Muslims with Hungarian citizenship, loyal to the state and nation, have lived in the country continuously since 1918 as a legacy of Habsburg Central Europe, and that their relations with the state have been shaped by that legacy, exemplified in the Recognition Act of 1916. Finally, the chapter touched upon examples of how Muslim communities in Hungary relate to the majority society depending on whether they have their roots in Central or Southeastern Europe or in the Middle East.

The ideological relationship with the 'Orient', although not exactly in the way Gingrich sees it in frontier Orientalism, seems to have become an integral part of modern national identity in Hungary, as well. Although there are clearly elements of frontier Orientalism in Hungarian nationalist thought, it is the

³⁵ This Shia community was first active in 2010. According to its home page (www.sia.eoldal.hu – no longer operative), it could be in touch with Russia-orientated organisations.

³⁶ See www.amjhungary.org.

³⁷ Dobrovits 1996.

Recognition Act of 1916 that can be considered the real heritage of Habsburg Central Europe, since, as a reminder of a politically more tolerant era, it still allows Muslims with Hungarian citizenship to practise their religion freely. The recent migration crisis, however, has arguably created an atmosphere evoking – in Hungary and in Central Europe more generally – old Orientalist reflexes that date back to the wars fought against the Ottoman empire in the early modern period, as Gingrich suggests.

Without a doubt, an attitude and politics of fear can be observed in contemporary Hungary. But it is debatable whether politics and popular reactions regarding immigration connect this sentiment to memories of historical encounters with the Ottomans. In my view, it is essential to understand that the Hungarians' attitude to migrants as 'others' is not so much connected to a generalised image of the 'Orient' or 'Oriental'. The real roots of the racist, totalitarian and xenophobic tendencies of Hungarian society are to be found in the national socialist views and thoughts of the late 1930s and of the Second World War. Nevertheless, Prime Minister Viktor Orbán, his cabinet and his party consider Islam and Muslim migrants to be a threat to European Christian values and lifestyle.³⁸ This is remarkable because, while the prime minister refers constantly to the interests of the nation, his foreign policy in fact reflects an (old) imperial approach – except that this imperial outlook no longer knows its true roots and has forgotten the relationship it once had with Islam.

BIBLIOGRAPHY

Primary sources

CAB: Capital Archive of Budapest: XIV/24.

HNA: Hungarian National Archive: K 26; K 28; P 1384.

Secondary sources

Ágoston, Gábor, and Balázs Sudár (2002), *Gül Baba és a magyarországi bektasi dervisek*, Budapest: Terebess.

'A Turáni Társaságból lett Magyar Keleti Kultúrközpont', *Ethnographia* 27 (1916), pp. 317–18.

Az 1910. évi június hó 21-ére hirdetett országgyűlés nyomtatványai. Képviselőház-írományok (1916), vol. LI, Budapest: Pesti Könyvnyomda Rt.

Bell, Duncan (2013), 'Ideologies of Empire', in *The Oxford Handbook of Political Ideologies*, ed. Michael Freeden et al., Oxford: Oxford University Press, pp. 536–61.

Bolek, Zoltán (2014), interview, 4 April, www.islam.com/component/content/article?id=634:riport-a-magyar-iszlam-kozosseg-elnokevel.

³⁸ Orbán 2016.

- (2016), interview, ATV, 11 February, www.atv.hu/belfold/20160210-magyar-islam-kozosseget-letesszuk-a-parlament-ele-a-halottainkat/hirkereso.
- Csaplár-Degovics, Krisztián (2022), 'Nekünk nincsenek gyarmataink és hódítási szándékaink': Magyar részvétel a Monarchia gyarmatosítási törekvéseiben a Balkánon (1867–1914), Budapest: BTK.
- Csaplár-Degovics, Krisztián and Lumnije Jusufi (2020), *Das ungarisch-albanische Wörterbuch von Zoltán László (1913): Imperialismus und Sprachwissenschaft*, Vienna: ÖAW.
- Csorba, György (1999), 'Az 1848–49-es törökországi magyar emigráció története', *Hadtörténelmi Közlemények* 112 (1), pp. 10–43.
- 'Delegacija Islamske zajednice Mađarske kod reisu-l-uleme' (2013), *Islamska Zajednica u Bosni i Hercegovini*, 22 August, www.islamskazajednica.ba/aktivnosti-reisu-l-uleme/17429-delegacija-islamske-zajednice-madarske-kod-reisu-l-uleme.
- Dobrovits, Mihály (1996), 'Az Iszlám Magyarországon: kis létszám', *Magyar Narancs*, 26 September, www.magynarancs.hu/tudomany/az_iszlam_magyarorszagon_kis_let_szam-59905.
- Farkas, Ildikó (2006), 'A magyar és a török–tatár népek turanizmusa', *Világtörténet* 28 (Autumn), pp. 52–63.
- Gensicke, Klaus (2007), *Der Mufti von Jerusalem*, Darmstadt: Wissenschaftliche Buchgesellschaft.
- Gingrich, Andre (1998), 'Frontier Myths of Orientalism: The Muslim World in Public and Popular Cultures of Central Europe', in *MESS [Mediterranean Ethnological Summer School]*, vol. II, ed. Bojan Baskar et al., Ljubljana: Inštitut za multikulturne raziskave, pp. 106–11.
- (2003), 'Grenzmythen des Orientalismus: Die islamische Welt in Öffentlichkeit und Volkskultur Mitteleuropas', in *Orientalische Reise: Malerei und Exotik im späten 19. Jahrhundert*, exhib. cat., ed. Erika Mayr-Oehring et al., Vienna: Vienna Museum, pp. 110–29.
- (2016), 'Orientalismus', in *Habsburg neu denken: Vielfalt und Ambivalenz in Zentraleuropa: 30 kulturwissenschaftliche Stichworte*, ed. Johannes Feichtinger et al., Vienna: Böhlau, pp. 156–63.
- Karpat, Kemal H. (2002), 'Kossuth in Turkey: The Impact of Hungarian Refugees in the Ottoman Empire, 1849–1851', in *Studies on Ottoman Social and Political History: Selected Articles and Essays*, ed. Kemal H. Karpat, Leiden: Brill, pp. 169–83.
- Kassai, Zsigmond (2023), '"Két-három év és nem lesz hová temetni a halottainkat" – iszlám temetkezés Magyarországon', 24.hu, 10 April, www.24.hu/belfold/2023/04/10/iszlam-magyarorszag-temetkezés-islam-ellenesség.
- Képviselőházi naplók 1910–1918*, vols XXVII–XXVIII, Budapest: Athenaeum, 1916.
- Léderer, György (1989), 'A magyarországi iszlám újabb kori történetéhez', *Keletkutatás* II (3) (Spring), pp. 63–72.
- Medriczky, Andor (1934), 'A budapesti magyar mohamedán egyházközség megalakulásának jogi előzményei', *Városi Szemle* 20 (1), pp. 101–24.
- Molnár, Antal (2015), 'A Szentszék, a magyar jezsuiták és egy törökországi tudományos intézet alapításának terve (1930–1934)', in *Magyarország és a Szentszék diplomáciai kapcsolatai 1920–2015*, ed. András Fejérdy, Budapest and Rome: Balassi Intézet Római Magyar Akadémia, pp. 173–210.

- Munif, Abdul-Fattah (2021), 'Muszlimok Magyarországon', *PR Herald*, 26 April, www.prherald.hu/muszlimok-magyarorszagon.
- Okey, Robin (2007), *Taming Balkan Nationalism: The Habsburg 'Civilizing Mission' in Bosnia 1878–1914*, Oxford: Oxford University Press.
- Oláh, Péter (2012), 'A török és a magyar turanizmus kapcsolata a 20. század első felében', *Keletkutatás* 27 (Spring), pp. 67–86.
- Orbán, Viktor (2016), interview, 27 September, <https://akadalymentes.2015-2019.kormany.hu/hu/a-miniszterelnok/beszedek-publikaciok-interjuk/lesz-lelki-felivelesha-lesznek-keresztények>; interview summarised in *Origo*, 27 September, www.origo.hu/itthon/2016/09/orban-viktor-szerint-joguk-van-kulon-elni-de-ahhoz-nem-kell-idejenni.
- Pap, Norbert, Péter Reményi, Zsuzsa M. Császár, and Andor Végh (2014), 'Islam and the Hungarians', *Mitteilungen der Österreichischen Geographischen Gesellschaft* 156, pp. 191–220.
- Ress, Imre (2008), 'Vallás és modernizáció Boszniában a XIX. század utolsó harmadában (Kállay Béni egyházpolitikája)', in *Tradíció és modernizáció a XVIII–XX. században*, ed. Erzsébet Bodnár and Gábor Demeter, Budapest: Hungarovox, pp. 257–67.
- Róna-Tas, András (1986), 'Belső-Ázsia magyar felfedezői. A kezdetektől az első világháborúig', *Keletkutatás* 1 (Autumn), pp. 33–44.
- Steininger, Rolf (2015), *Deutschland und der Nahe Osten: Von Kaiser Wilhelms Orientreise 1898 bis zur Gegenwart*, Reinbek: Lau-Verlag.
- Weiler, Vilmos (2022), 'Megduplázódott a muszlimok száma Magyarországon az elmúlt húsz évben, miközben feleződött a katolikusoké', *Telex*, 26 September, www.telex.hu/belfold/2023/09/26/ksh-nepszamlalas-vallasok-katolikus-reformatus-muszlim-hit-gyulekezete.

Czech and Slovak Muslims: A Long Way to their Own Islam Act

ŠTĚPÁN MACHÁČEK

INTRODUCTION

The aim of this chapter is to discuss the impact of the 1912 Islam Act of the Habsburg empire in one of its immediate successor states, Czechoslovakia, as well as in the nation states that came into being after the dissolution of Czechoslovakia: the Czech Republic and Slovakia. As a newborn state in 1918, Czechoslovakia inherited a huge part of Austro-Hungarian legislation, including the Islam Act. However, it did not inherit a sizable Muslim population from the empire. Although this Austrian legal framework was in place to regulate Islamic activities in the first couple of decades of the new state's existence, Muslims in Czechoslovakia were never able to enjoy its supposed benefits. Successor legislation to the 1912 Islam Act offering Muslims any useful option of official recognition came as late as 2002 in the Czech Republic; in Slovakia such legislation has still not been introduced.

The Czech Republic and Slovakia are two central European countries touched very little by Islam, both from a historical perspective and in terms of present-day reality. For what is today the Czech Republic, the only period with any substantial presence of Muslims within 'its' boundaries was the time of occupation (and later annexation) of Bosnia Herzegovina by the Habsburg empire. The southern part of the territory of present-day Slovakia, on the other hand, experienced about 150 years of Ottoman presence in the sixteenth and seventeenth centuries. This contact, however, seems to have left practically no footprint on the population of the country. Despite this lack of Islamic heritage, Czechoslovakia inherited the Habsburg 1912 Islam Act, which was – and still is – unique in Europe. The Austrian Islam Act remained part of Czechoslovak

legislation for three more decades, although it was never used as intended. The number of people of Muslim origin living in Czechoslovakia remained proportionally tiny for a long time, and an even smaller number of practising believers in Islam (including converts to Islam) also live in the Czech Republic and Slovakia.

When waves of job-seeking immigrants from predominantly Muslim countries started to come to Western Europe in the 1960s, Czechoslovakia was part of the 'Eastern Bloc'. It was ruled by a totalitarian regime and, with its slowly declining economy, was not an attractive country for immigrants seeking better lives. On the other hand, there were thousands of students from Arab and other predominantly Muslim countries studying in Czechoslovakia, and some married and stayed. These educated and mostly secular people were, however, not interested in establishing Islamic organisations or associations, apart from a few exceptions, which are discussed below.

The country opened up with the fall of the Communist regime in 1989, but strict immigration rules hindered any substantial influx from Muslim countries to the Czech and Slovak republics. This means that even today, compared to many other European countries, the Muslim presence is relatively low. It does not mean, however, that there is no story to be told about Czech and Slovak Muslims and their relations with the state. The more than 100-year history of Czechoslovakia and its two successor states is interesting, since the efforts of religious Muslims to establish themselves as an officially recognised religious community have had little success, despite the presence of a favourable legal framework. This chapter will explore why that is the case and why the Muslim community in these countries continues to be only a marginal part of society by tracing the approach of the Czechoslovak authorities to the governance of Islam. This approach can be analysed by looking at its transformation during three distinct periods: the interwar period, that of the Communist regime after 1948, and the post-Communist era since 1989.

THE 1912 ISLAM ACT IN THE INTERWAR CZECHOSLOVAK REPUBLIC

The original Austrian *Islamgesetz* of 1912 was referred to for a considerable period, until the late 1940s, both by the authorities of the new Czechoslovak state (which emerged in 1918) and by the German administration following that country's occupation of Czech lands. However, the pre-1918 division of the Czech and Slovak parts of the state between Austrian and Hungarian jurisdiction brought about a headache for both the Czechoslovak authorities and Czechoslovak Muslims. The Act applied only to the Austrian part of the empire, which contained Bohemia, Moravia and Austrian Silesia. In the Hungarian part, which comprised what later became Slovakia, the Hungarian Law on the

Recognition of Islamic Confession of 1916 applied. The Czechoslovak authorities used this fragmented situation as an argument for refusing the Czechoslovak Muslims' request for official registration.

The Austro-Hungarian occupation of Bosnia Herzegovina in 1878 facilitated the migration of Bosnians (many of them Muslims) within the empire, who were looking for jobs or study opportunities. This does not mean that there were no Muslims living in the empire, including the lands that later became Czechoslovakia, before 1878. It is known that from the 1860s onwards there was an office of the Grand Mufti in Vienna, so there must have been a significant number of Muslims in the empire at that time. In the second half of the nineteenth century the regions that form the present-day Czech Republic were the most industrially developed part of the empire, offering good employment opportunities. Some Bosnian Muslim immigrants settled and worked there mostly as small tradespeople, very often as grocers, confectioners, ice-cream sellers and cleaners. There were also Bosnian Muslims studying in Prague and Brno. However, the last census taken in the Austrian part of the Dual Monarchy, in 1910, shows that there were only 17 Muslims living in the Czech lands of Bohemia and Moravia, compared to 699 in Lower Austria (including Vienna).¹ This surprisingly low number may be ascribed to the option to choose an unspecified 'other religion' on the census form, since some Muslims may have hesitated to declare their religion. Nevertheless, the question of the size of the Muslim community in the Czech and Slovak parts of the Habsburg empire awaits further research.

Many immigrants from Bosnia Herzegovina stayed even after the disintegration of the Habsburg empire and the declaration of the new state, Czechoslovakia.² Thanks to historical ties, there were even Muslim newcomers from Bosnia Herzegovina to Czechoslovakia. Muslim immigrants from parts of the Soviet Union, especially Tatars and Circassians, joined them. Subsequent Czechoslovak censuses did not offer the respondents the option to choose Islam for religious affiliation, so we lack reliable data on the number of Muslims in the new country after the end of the Habsburg empire too.

We can, however, trace some organisational activities by Muslims in Czechoslovakia, the first of which emerged as late as the mid-1930s. There was a small circle of Muslim intellectuals, consisting of Czech converts and foreigners, that decided to establish an official Czechoslovak Islamic Community. The legal framework for this arguably existed already: the Habsburg Islam Act of 1912. Czechoslovakia as a successor state of the Austro-Hungarian empire had

¹ *Die Ergebnisse der Volkszählung vom 31. Dezember 1910*, 1. Heft, in *Neue Folge Österreichische Statistik*, vol. 1, book 1 (Vienna 1912), p. 54, tab. 26.

² Mendel, Ostránský and Rataj 2007: 66–70, 333–71.

inherited a substantial part of the empire's legal system, and the Islam Act, law no. 159/1912, was part of that. This law recognised Islam as one of the official state religions, and in fact provided Muslims with the option to be recognised as a religious community as soon as they established an organisational structure and submitted its statutes to the authorities for approval.³ However, because the Islam Act was valid only in Cisleithania (the northern and western part of Austria–Hungary) at the time it was adopted, it could be applied to the Czech part of Czechoslovakia only (Bohemia, Moravia and Austrian Silesia), which had been part of that region. Slovakia and Carpathian Ruthenia, the other two lands of Czechoslovakia, were formerly part of Transleithania (the Hungarian part of the empire), and thus another law regarding Muslim communities, Act XVII/1916 adopted by the Hungarian parliament, had to be respected in that eastern part of the country.⁴ The main difference between the two laws was that the Austrian one stipulated its validity for Muslims of the Hanafi *madhhab* only, while the Hungarian one did not specify. This question of *madhhab* had no consequences for the Czechoslovak Muslim community, however.

The first constituent meeting of the Muslim Religious Community (Moslimská náboženská obec; MNO) took place in Prague on 23 December 1934, the leading figures being a Czech convert, Mohamed Abdallah Brikcius; the consul general of Egypt in Prague, Abd al-Hamid al-Baba; and an Indian Muslim intellectual, Sayyed Hassan Mirza Khan. The full name of the organisation, as it appeared on its documents, was Moslimská náboženská obec pro Československo s ústředím v Praze, El-Ittihad el-Islami – the Muslim Religious Community for Czechoslovakia with the Headquarters in Prague, the Islamic Union. The name itself became part of the problem for the state authorities, as we will discuss below.⁵ In February 1935, the MNO's application for authorisation was responded to positively by the Czechoslovak Ministry of Education, which made reference to the Islam Act. However, for the registration to be completed, approval was required from other authorities as well, chiefly the Ministry of Interior, which had to approve the statutes of the community and give its opinion on registry affairs. It was at this point, in the realm of formal bureaucracy, that things started to get complicated.

There were several informal reasons for the ensuing obstruction of the state authorities. First, the MNO representatives were a little careless in preparing their papers, and there were formal mistakes in their application. Second, the discord

³ '159. zákon daný dne 15. července 1912', <http://spcp.prf.cuni.cz/lex/159-12.htm> (accessed 14 June 2022).

⁴ Carpathian Ruthenia was part of Czechoslovakia by the time of its establishment in 1918. After the Second World War this region was handed over to the Soviet Union. Since the disintegration of the Soviet Union in 1991 it has been part of Ukraine and is called Zakarpatska Oblast.

⁵ Mendel, Ostránský and Rataj 2007: 336.

among the community leaders was confusing for the authorities handling the request. This brought about a sort of mistrust, especially at the Ministry of Interior, which regarded the emerging Muslim community as insignificant in terms of size and suspicious in terms of composition, referring to it as a group of ‘foolish individuals and strange foreigners’.⁶ However, the real obstacles to the MNO’s registration were formal in nature, as becomes apparent when we analyse the stances and reasoning of three different Czechoslovak state authorities involved.

The Ministry of Education’s stance was positive. It claimed that the registration of the community was justified by the 159/1912 law, which recognised Muslims as a religious community. However, it also pointed to the fact that, while the MNO wanted to represent all Muslims in Czechoslovakia, the 1912 law could be applied to Czech lands only. If the MNO insisted on representing all Czechoslovak Muslims, the ministry argued, the MNO should also consider the Hungarian Act XVII/1916 and address the responsible authorities in the eastern parts of the country. The Ministry of Education also stated that for the community to be established, approval from the Ministry of Interior would also be needed because of its responsibility in matters of official registration. This is mentioned in §7 of 159/1912, which in turn refers to another Habsburg law (51/1870), stipulating that all non-Christians must follow civil procedures in the matter of registry and marriage.

In its decision of 26 November 1937 the Ministry of Interior stated that the approval of the Czechoslovak Muslim community would be based on law 159/1912, and thus its competence could be approved in Czech lands only. It demanded that the name of the organisation be modified by removing the word ‘Czechoslovakia’. The ministry adhered to the letter of the law very narrowly when it stated that in Czech lands, only Hanafi Muslims could organise themselves, and that the *mazhab* (sect of Islam) should be mentioned in the statutes of the community,⁷ while in Slovakia and Carpathian Ruthenia all Muslims, regardless of *mazhab*, could organise themselves as a religious community. The statutes of the community, the ministry indicated, were to be approved by three ministries: Education, Interior and Justice.

In the matter of registry and marriages, the Ministry of Interior adhered strictly to §7 of law 159/1912 and refused the arguments of the Ministry of Justice that another law could apply in the case of these areas. That law was the Czechoslovak law 320/1919 of 22 May 1919, which extended to all official religious communities the right to conduct marriages and keep a registry.⁸ Previously, only Christian clergy had enjoyed this right.

⁶ Ibid.

⁷ It was actually mentioned in the proposal put forward by the community.

⁸ ‘Zákon č. 320/1919 Sb. Národního shromáždění’, <http://specp.prf.cuni.cz/lex/320-19.htm> (accessed 12 June 2022).

The Ministry of Justice argued that since law 159/1912 officially recognised Muslims as a religious community, the 1919 law should also apply to them. The Ministry of Interior did not accept this, insisting on the obligation of civil marriage and registry for Muslims according to law 159/1912 because the community was not yet sufficiently organised. Indeed, it did not in the end approve the community's statutes, arguing that the disunity in Czechoslovak legal norms did not allow the statutes to be based on law 159/1912, and recommending the recognition of other *mazhabs* of Islam in Czechoslovakia by a new law before the MNO statutes could be approved.

The decision of the Ministry of Interior in 1937 meant that the Muslim community gave up for the time being its effort to register itself officially, and it continued to work in a semi-official way. For example, the community conducted marriages, including some polygamous marriages, but these were not officially recognised by the state.⁹

In the new political situation after the occupation of Czechoslovakia by Nazi Germany in 1939, things started to change. The MNO representatives renewed their efforts to register officially, hoping that the new authorities under the Protectorate regime would have a new approach. In 1941, the modified statutes were submitted to the Ministry of Interior after consultation between the MNO and the Ministry of Education. Finally, in late 1941, the community obtained approval from the Protectorate government. It is not clear, however, whether the decision was signed and thus validated by the ruling German protector. This doubtful point is sometimes mentioned in the history of the Czechoslovak Muslim community. It is worth noting that the present-day Islamic Community of the Czech Republic does not mention this registration under the German Protectorate regime at all, fearing accusations of collaboration with the Nazi authorities.¹⁰ It is also worth mentioning that representatives of the present-day Islamic Community claim that the community was actually recognised by the positive response of the Ministry of Education in February 1935. It was based on this claim that they justified their request for (re)recognition after 1989.¹¹

To summarise, the main goal of the MNO in interwar Czechoslovakia was to obtain official recognition, which was achieved in 1941, seven years after the founding of the MNO. It also aimed to build a mosque in Prague, which was not achieved. During this period we can talk about several hundred Muslims living in Czechoslovakia who at least occasionally took part in the organised life of the

⁹ The discussion of this registration attempt is based on information in Mendel, Ostránský and Rataj 2007: 345.

¹⁰ Vladimír Šánka, 'Malá a mladá komunita', *Dingir* 2, 2010, www.dingir.cz/archiv/Dingir210.pdf.

¹¹ 'Ústředí muslimských obcí v České republice, Vyjádření k návrhu zákona o svobodě náboženského vyznání a postavení církví a náboženských společností', <http://spcp.prf.cuni.cz/dokument/islam.htm> (accessed 14 June 2022).

community, most of them foreigners living in Prague, plus approximately 10–20 Czechoslovak converts.¹² The activities included Friday prayers in members' houses, the celebration of religious feasts, and lectures on topics relevant to the community. They also included Islamic weddings, albeit not recognised by state institutions. In 1937, the community started publishing a magazine entitled *Hlas* (The Voice). The community also had its own imam, Salih Hadžiosmanović, a Bosnian from Sarajevo. Sources of funding for these activities were irregular, and most material support was channelled by the embassies of the Muslim states in Prague or came from Islamic institutions in Bosnia Herzegovina.

CZECHOSLOVAK MUSLIMS DURING THE COMMUNIST PERIOD

After 1945, members of the Muslim community kept a low profile, partly because of the stigma of the successful registration by the German Protectorate authorities and their occasional pro-German stance, and partly because of the unfavourable attitude of the Communist authorities towards any religious activity. Brikcius was sentenced in 1946 to eight years in prison for 'helping the Nazi occupiers' during the Protectorate. He was most probably not a follower of the Nazi ideology, but he did share some views stemming from the global political considerations of some (certainly not all) Muslims at that time (i.e. the idea of supporting Germans in their fight against the British and French, who had colonised most of the Muslim world). Brikcius indeed published several anti-British, pro-German articles in *Hlas*, and he had good relations with the anti-British Iraqi revolutionary leader Rashid Ali Al-Gaylani, as well as with the mufti of Jerusalem, Mohammed Amin Al-Husseini. The Muslim community was thus labelled after 1945 as having been partly collaborative with the Nazis.¹³

The legal status of the Muslim community after the end of the Second World War is unclear. In theory, all legal Acts of the Protectorate period were annulled by decree of the Czechoslovak president Edvard Beneš, and this must have included the registration of the Muslim community in 1941. After the takeover of power in 1948, the regime tried to take full control of all religious activities. A new law, 218/1949, on the financing and state supervision of churches and religious communities, required the institutions to re-register.¹⁴ The text of the law did not explicitly mention the annulment of imperial law 159/1912, but it imposed certain conditions on the activities of religious communities. For example, according to the new law, the state authorities had control over the approval of religious personnel and the payment of their salaries. The Muslim

¹² Mendel, Ostránský and Rataj 2007: 359.

¹³ Ibid., 362–5.

¹⁴ 'Zákon č. 218/1949 Sb. o hospodářském zabezpečení církví a náboženských společností státem', <http://spcp.prf.cuni.cz/lex/218-49a.htm> (accessed 14 June 2022).

community did not comply with this procedure – that is to say, it did not enter the state-controlled religious system, as per the new law – but nobody cared about that because of its insignificance in Czechoslovak society.

In the 1950s and 60s, Muslims continued to be active in Czechoslovakia, but rather as a club of admirers of Islamic culture than a formal religious community. Some emigrated shortly after the Communist Party came to power. The most active members at that time were several Czech converts, as well as some Muslims of Bosnian and Albanian origin. Foreign funding of the Islamic Community was impossible, and there was no government funding, owing to the community's non-official status.

In the mid-1960s the political and social situation in Czechoslovakia was relatively relaxed, and this encouraged Muslims to make another attempt to gain official status. In 1968, in the middle of the 'Prague Spring', a group of Czech converts submitted a request for the official registration of the Muslim community. In fact, three separate yet interconnected Muslim organisations submitted such an application: the newly established Muslim Communities Union in the ČSSR (*Svaz muslimských obcí v ČSSR*); *Yeni çeri* – The Social Organisation for Muslims in Prague (*Yeni çeri – Sociální organizace Moslimů v Praze*); and the Red Crescent (*Červený půlměsíc*).¹⁵ The goals of these organisations were not as ambitious as those of the MNO in the 1930s, and largely consisted of the protection of Muslims' cultural and social interests, as well as establishing a library and a branch of the Red Crescent. However, the timing was again unfavourable, and the invasion of Czechoslovakia by the Warsaw Pact armies in August 1968 put an end to the Muslims' humble efforts.

The following two decades of consolidation of Communist rule in Czechoslovakia brought further disconnection of personal ties among the handful of Czech Muslims, and almost no common activity. Although many students from 'friendly' Muslim (mostly Arab) countries continued to come to Czechoslovakia throughout the 1960s, they were not active in organising Muslim religious life, either because they were not very zealous religiously (having been sent by Arab socialist regimes), or because it was not easy for them to make such an effort in Communist Czechoslovakia.

MUSLIMS AFTER 1989: THE LEGAL CONTEXT

With the fall of the Communist regime in 1989, Czechs and Slovaks hoped for new freedoms, including religious ones. Czech and Slovak Muslims, who had for almost fifty years failed to register their community officially, hoped to be finally able to do so. First, Islamic activities arose among foreign Muslim students in

¹⁵ Mendel, Ostránský and Rataj 2007: 370.

Czechoslovakia. They established several new Muslim organisations but registered them as cultural or social associations, not as a religious community. It was much easier to legalise their activities as associations, but it did not grant them any of the special rights enjoyed by registered religious communities, such as public funding.

Another way of legalising Islamic activities was to revitalise the effort to (re)register the interwar Muslim religious community. A certain continuity of membership from the 1940s and 50s was preserved, and Brikcius had prepared the young Czech convert Mohamed Ali Šilhavý to take over the leadership. Šilhavý thus stood at the forefront of a renewed registration effort after 1989. In April 1991, he published the first issue of the renewed *Hlas* bulletin, and on 18 May 1991 he convened a constituent assembly of the community, this time named The Islamic Union – The Muslim Religious Communities Headquarters (Al-Ittihad Al-Islami – Ústředí muslimských náboženských obcí; UMO).

It was as late as 1992 that new post-Communist legislation for the registration of religious communities was prepared. The Ministry of Culture became responsible for religious affairs. The first law relevant to the Czechoslovak Muslim community was 308/1991 on religious freedom and the status of religious communities.¹⁶ Appended to it was a list of communities registered up to the date of issue. The list contained only various Christian churches and the Jewish community; the Muslim community was not listed because its registration in 1941 was deemed void. The law enabled the registration of new religious communities but did not specify the requirements for such an act. It also annulled some of the Communist-period laws relating to religious affairs.

The requirements for registering a new religious community were specified the following year in law 161/1992, which stipulates in §1 that an application must prove at least 10,000 adult followers of the religion with permanent residence in Czechoslovakia, or at least 500 if the community (this concerned Christian churches only) was a member of the World Council of Churches.¹⁷ These requirements were very difficult for the Czech Muslims to fulfil. They were unlikely to be able to gather 10,000 followers of Islam who were prepared to sign for the registration, especially after the division of Czechoslovakia into two states in 1993. Also, in the atmosphere of growing antipathy towards Islam in Czech society and indeed Europe more widely in the 1990s, Muslims were not happy with collecting personal data and handing it over to the authorities.¹⁸ The UMO's argument that the organisation was in fact registered by the Ministry

¹⁶ 'Zákon č. 308/1991 Sb. o svobodě náboženské víry a postavení církví a náboženských společností', <http://spcp.prf.cuni.cz/lex/308-91.htm> (accessed 12 June 2022).

¹⁷ 'Zákon č. 161/1992 Sb. o registraci církví a náboženských společností', <http://spcp.prf.cuni.cz/lex/161-92.htm> (accessed 14 June 2022).

¹⁸ Mendel, Ostránský and Rataj 2007: 385.

of Education as early as 1935 and formally approved by other authorities in 1941 was rejected by the Ministry of Culture's Department for Churches. In these strict legal circumstances, especially regarding the minimum number of followers required of any newly registered religious community, it was practically impossible for Czechoslovak Muslims to achieve official registration, even in the new democratic republic.

THE STATUS OF MUSLIMS IN THE CZECH REPUBLIC AND SLOVAKIA AFTER 1993

The legal status of Muslims has differed in the Czech Republic and Slovakia since the split in 1993. In the Czech Republic a new law, 3/2002 on religious freedoms and religious communities, based on the Charter of Fundamental Rights and Freedoms of the Czech Republic, replaced and annulled the previous laws 308/1991 and 161/1992.¹⁹ It softened the requirements for registration as a legal entity by lowering the minimum number of proven followers to 300. However, a community registered in this way would have no special rights, such as receiving government funding, being allowed to provide religious instruction in state schools or chaplaincy in the army or the right to conduct marriages. To attain those rights, the new law still required 10,000 followers backed up by detailed personal data.²⁰

Even if the Muslim community could gather this number of followers, which was very unlikely, it was clear that Muslims would not be comfortable providing the authorities with their personal information. However, in §27, the law has an exception clause for the minimum quota for religious communities that are historically rooted worldwide, and in 2006 the Muslim community applied for official registration on that basis. Still, although the community fulfilled all prerequisites, the response of the Ministry of Culture was negative and no explanation was provided.²¹ Since the deadline for applications using this clause was 2007, there was no chance to reapply.

The UMO finally achieved recognition and registration as a religious community with no special rights in 2004, and the Muslim community was, after

¹⁹ Faculty of Law, Charles University in Prague, 'Zákon ze dne 27. listopadu 2001 o svobodě náboženského vyznání a postavení církví a náboženských společností a o změně některých zákonů', <http://spcp.prf.cuni.cz/lex/3-02a.htm> (accessed 14 June 2022).

²⁰ In the Czech Republic, this figure represented 0.1 per cent of the total population.

²¹ The UMO appealed against this decision by the Ministry of Culture, but in December 2006 the ministry's refusal was upheld. The UMO later learned that the main objection came from the Ministry of Interior after consultation with the Czech intelligence services. Vladimír Sáníka, then chairman of the Islamic Foundation in Prague, expressed his astonishment, saying that the Czech intelligence services had never pointed to the Muslim community as a danger. The UMO finally came to terms with the decision and offered no more resistance. See 'Muslimové v Česku žádají po vládě více práv', Czech Radio, 5 October 2006, www.cesky.radio.cz/muslimove-v-cesku-zadaji-po-vlade-vice-prav-8615121.

almost 100 years, given a similar status to the one it had enjoyed from 1912 with the Austrian Islam Act – but without any entitlement to public funding or permission to run religious schools. If the UMO succeeds one day in achieving the second level of registration and thus the status that includes special rights, like other churches, it will also be able to take advantage of the family law 123/1992 modification that allows representatives of registered churches and religious communities to conduct marriages and regards them as state representatives in such affairs.

The legal framework for Muslims in Slovakia became even less favourable after the split. The original Czechoslovak law 308/1991 was amended in Slovakia by a new law, 201/2007, which stipulates strictly that for the registration of any new religious community or church, it is necessary to prove 20,000 adult followers with permanent residency in Slovakia, including their names, addresses and national identification numbers.²² According to Michal Cenker, the law has been used to limit the registration of new religious groups and their gaining of the benefits enjoyed by ‘traditional’ religious groups.²³ In 2016, nationalist political parties proposed amending the law and enforcing an even harsher threshold of 50,000 followers. They introduced the proposal officially as a measure against the ‘speculative registration of alleged churches and religious societies’ with the aim of getting funding from the state.²⁴ However, several politicians were recorded saying that this was a way to defend the country against ‘Islamisation’ in the midst of a wave of immigrants and refugees from Syria and elsewhere in the Middle East.²⁵ In fact, even in 2007, when the original threshold of 20,000 followers was established, an MP of the Slovak National Party (a member of the coalition government) said that the aim of the high threshold was to ‘prevent a situation where our children would go to pray in a mosque and declare that they are Al-Qáeda’.²⁶

The 2016 bill was passed in parliament, but the country’s president at the time, Andrej Kiska, refused to sign it, arguing that it went against the European Convention on Human Rights.²⁷ His veto was overruled in parliament in 2017, a circumstance that, according to Josef Lenč, ‘deepened the unequal position

²² ASPI, ‘201/2007 Z.z. zmena zákona o slobode náboženskej viery a postavení cirkví’, www.aspi.sk/products/lawText/1/65138/1/2 (accessed 12 June 2022). The figure is about 0.4 per cent of the total population of Slovakia.

²³ Cenker 2017: 604.

²⁴ Ibid., 604–5.

²⁵ ‘Slovakia Toughens Church Registration Rules to Bar Islam’, Reuters, 30 November 2016, www.reuters.com/article/us-slovakia-religion-islam-idUSKBN13P2oC.

²⁶ Michal Drotován, ‘Náboženská sloboda a registrácia cirkví’, *Pravé spektrum*, 3 March 2008, www.prave-spektrum.sk/article.php?601.

²⁷ Cenker 2017: 605. In 2017, an opposition MP proposed changes to two laws in order to ban the construction of mosques. These were supported by only eleven MPs but nevertheless added to the growth of anti-Islamic political rhetoric, which was already on the rise. Lenč 2018: 596–9.

of Muslims in Slovak society'.²⁸ The threshold of 50,000 followers is extremely unlikely to be reached by Slovak Muslims in the foreseeable future. As a result, Muslim activities in Slovakia are organised by various small bodies registered as cultural associations; Islam is not recognised by the state authorities as one of the religions in the country, nor is the Muslim community as a religious community.

MUSLIM ORGANISATIONS IN THE CZECH REPUBLIC AND SLOVAKIA

The organisational situation of Czech and Slovak Muslims is confusing. In the Czech Republic, as indicated above, the UMO has been registered as a Muslim community since 2004 and is regarded as an umbrella organisation for all other Muslim associations in the country. It is interconnected with the Islamic foundations in Brno and Prague. In the meantime, some smaller associations came into being, others ceased their activities and some split from others. Most religious activities are centred on the Prague and Brno mosques and their respective foundations. Generally, the Muslim community is poorly organised and divided along regional and personal lines, rather than ethnic or doctrinal ones. Even less organised are Muslims in Slovakia. Owing to this, and also of course to the small number of Muslims in both countries, Muslims rarely receive media attention. Islam in the Czech Republic usually attracts notice only when the idea of building a new mosque arises. At such moments, voices warning against the danger of Islamisation in Europe (and the Czech Republic) suddenly surface, and debates are organised on the main television and radio channels. But this excitement usually disappears quickly. By and large, Czech and Slovak societies are surprisingly Islamophobic – surprisingly because of the very small size of the Muslim communities in these countries. Several Islamophobic groups circulate their ideas on widely known websites, such as *Islamizace.cz*. But, given the general lack of stimulus, Islamophobia is not particularly visible on the surface.²⁹

The Muslim population in the Czech Republic and in Slovakia is ethnically, socially and religiously (in the sense of the degree of devoutness or the branch of Islam followed) heterogeneous, and no single large group can be identified. No significant number of Czechs or Slovaks have converted to Islam, nor has there recently been any single wave of mass immigration from a particular Muslim

²⁸ *Ibid.*, 601.

²⁹ It tends to surface when there is a debate about Muslims or Islam, however, and seems to be affecting the visibility of Muslim organisations and activities. In the Czech Republic, for example, the UMO's postponement of its application for second-level recognition was explained by its leadership with reference to the anti-Muslim atmosphere in Czech society. See Macháček 2017: 200–1. On anti-immigration and anti-Islam trends in Czech politics, see Macháček 2018: 187–92 and Macháček 2019: 188–92. In 2019, the Czech Ministry of Interior's report on extremism indicated that Muslim communities were becoming more isolated in Czech society as a result of growing Islamophobia. Černý and Rendek 2021: 181.

country. It is nevertheless possible to suggest the following rough classification of Muslims for both the Czech and Slovak Muslim population, given the long common history of the two states and their similar socio-political development: 1) ethnic Czech and Slovak converts, 2) Czech and Slovak citizens of foreign origin and 3) foreigners living in the Czech Republic and in Slovakia with permanent or temporary residency permits.

Regarding the first category, it is estimated that there are several hundred Czech converts, many of them very active in Muslim organisations.³⁰ In Slovakia, too, there are hundreds of native converts, but they are not so involved in Islamic activities as are those in the Czech Republic. In both countries, local converts represent a very small share of the Muslim community. Slovak converts are mostly women who have married Muslim men of foreign origin.³¹

The second group consists of former students (mostly male) who came in the 1960s, 70s and 80s from the then socialist-orientated developing countries to study in the former Communist Czechoslovakia. This can be regarded as the only 'wave' of Muslim immigration, albeit one that for the most part involved temporary immigration with immigrants from many different countries. Some of these students stayed after graduating, married Czech or Slovak women and eventually obtained citizenship. Most came from Arab countries, particularly Syria, Libya, Yemen, Iraq and Sudan. The predominance of this group explains why a large part of the Czech Muslim community consists of educated people and professionals, contrary to some Western European countries. As Daniel Topinka has shown in his research, Muslims and people of Muslim cultural background living in the Czech Republic are on average more educated than the general Czech population.³²

Muslims from the third group mostly came after the opening up of the country in 1989, as students or entrepreneurs but also as asylum-seekers. They are mainly from Arab countries (especially Egypt, Syria and Iraq) and the Balkans (Bosnia Herzegovina, Kosovo and Macedonia), followed by other countries (Chechnya, Turkey and Afghanistan).

The number of Muslims living in the Czech Republic and Slovakia can only be estimated. No official statistics for the number of followers of different religions are available, and the censuses are not very helpful. The question about religion was removed from the census for decades under Communism; it last appeared in 1950 and did not resurface until 1991. The most recent figures are

³⁰ Černý and Rendek 2022: 184–5.

³¹ Emily Jane O'Dell, 'Islam in the Czech and Slovak Republics: An Invisible Minority Becomes Visible', IREX Scholar Research Brief, 2011. Cenker also mentions that the Slovak-born Muslim population is 'composed mainly of Slovak-born Muslim converts (especially women), and the children of immigrants'. Cenker 2017: 610.

³² Topinka 2016.

based on the 2021 census, in which, in the Czech Republic, 5,132 people indicated Islam as their religious affiliation.³³ This represents a noticeable increase from the previous census of 2011, when that figure was 3,385.³⁴ However, the actual number of Muslims, or people of Muslim cultural background, must be higher. This is because indicating religious affiliation in the census is optional, and many Muslims feel uncomfortable identifying themselves with their faith in official documents, or just do not feel the need to do so. It is worth mentioning that out of the total Czech population of 10,524,167 in the 2021 census, only 1,374,285 (about 13 per cent) declared themselves followers of any church or religious society.³⁵ In Slovakia just 3,862 people – 0.071 per cent of the population – gave Islam as their religion in the 2021 census.³⁶

Another possible indicator of the approximate number of Muslims are the statistics of the Ministry of Interior on foreigners residing in the Czech Republic. However, these indicate country of origin, not religion. Foreigners from predominantly Muslim countries represent a relatively small share of the total number. The data from 31 May 2022 suggests that 7,691 people from Arab countries have some kind of residency status in the Czech Republic.³⁷ The number of foreigners from non-Arab Muslim countries is 28,189, with residents from Kazakhstan composing the largest group (8,807 people).³⁸ We cannot claim that these figures represent actual numbers of Muslims, because all these countries have religiously diverse populations, even though they are all predominantly Muslim. In addition, people from some predominantly non-Muslim countries, such as Russia or Macedonia, can also be Muslims. However, these imperfections aside, we can assume that some 36,000 foreigners from predominantly Muslim countries live in the Czech Republic, holding some kind of residence permit. They represent only a small share of the total of 1,030,837 foreigners living in the Czech Republic in May 2022, including some 300,000 Ukrainian refugees who came after the Russian invasion of Ukraine that year.³⁹

³³ Český statistický úřad (Czech Statistics Authority), 'Sčítání 2021: Náboženská víra', www.czso.cz/csu/scitaniz2021/nabozenska-vira (accessed 15 June 2022).

³⁴ Macháček 2017: 203. See also the official site of the Czech Statistical Office for the 2011 census results on religious affiliation: www.czso.cz/csu/czso/nabozenska-vira-obyvatele-podle-vysledku-scitanilidu-2011-61wegp46fl (accessed 20 June 2022).

³⁵ Also noteworthy is the fact that 21,023 Czechs regard themselves as followers of Jediism, the fictional *Star Wars* film religion, a number four times that of Muslims according to the 2021 census.

³⁶ See www.culture.gov.sk/wp-content/uploads/2019/12/veriaci2021.pdf. This figure was 1,934 in the 2011 census. Cenker 2017: 611.

³⁷ This indicates an increase. A comparable figure for December 2010 was 1,543 people from Arab countries. The highest number of foreign residents from Arab countries in 2022 was from Egypt (1,553), followed by Tunisia (1,353), Syria (996) and Algeria (874).

³⁸ Followed by Turkey (4,482), Uzbekistan (3,378) and Bosnia Herzegovina (2,380).

³⁹ Ministry of Interior of the Czech Republic, 'Cizinci s povoleným pobytem', www.mvcr.cz/clanek/cizinci-s-povolenym-pobytem.aspx (accessed 16 June 2022).

Given these figures, we can roughly estimate that 30,000–40,000 Muslims, or people of Muslim cultural background, were living in the Czech Republic by mid-2022 (0.3–0.4 per cent of the total population). The estimate was 22,000 only six years previously, and about 10,000 a decade earlier.⁴⁰ Only part of this group, however, can be regarded as practising Muslims and, in turn, only some of these practising Muslims are interested in the activities of Czech Muslim organisations. For Slovakia, the generally accepted estimate of the number of Muslims is about 5,000 (0.1 per cent of the total population), including foreigners living in the country temporarily. Muslim community sources, such as the unofficial numbers provided by the Islamic Foundation in Slovakia, also say that there are about 4,000–5,000 Muslims living in the country.⁴¹

MOSQUES: MIGHTY SYMBOLS

The fact that Muslims in Czechoslovakia and its successor states did not enjoy the status of official religious community for some time after the fall of the Communist regime in 1989 (and still do not, in Slovakia) did not prevent them from organising their spiritual life and arranging places of worship. Some decided to establish small associations independent of the central UMO in the Czech Republic, because they regarded registration as a cultural association to be a more effective and faster way of starting Islamic activities than waiting for the lengthy and uncertain process of registering the UMO as a religious community.

One such association is the Union of Muslim Students in the Czech Republic, which was established in Prague in 1991 under the leadership of a Sudanese student, Muhammad Abbas al-Mu'tasim. The organisation has a prayer room for foreign Muslim students. Such smaller Islamic cultural associations aimed also at building mosques in cities where the Muslim community was concentrated: first in the capital, Prague, then in the second-largest city and the capital of Moravia region, Brno. In fact, in the 1990s Brno was the centre of Islamic activities in the Czech Republic. The Islamic Foundation in Prague was established in 1989, followed by the Islamic Foundation in Brno in 1994, both with the aim of establishing a mosque in their respective locations. They have been run by both Czech converts and Muslims of foreign origin residing in the Czech Republic. After the death of Mohamed Ali Šilhavý in 2008, the most visible figures in the UMO and the Islamic foundations in Prague and Brno have been the Czech convert Vladimír Sáňka and Moneeb Hassan Al Rawi, a Muslim of Iraqi origin.

⁴⁰ For 2016 estimates, see Macháček 2017: 196. For the estimates at the beginning of the 2000s, see Karel and Uiberlayová 2004: 247–61.

⁴¹ Lenč 2021: 600.

The idea of building a mosque appears to be a tough one for Czech Muslims. The debates over several projects that have emerged since 1989 demonstrate that for Czech society the mosque – which until very recently did not exist in Czech towns and cities – is a mighty symbol of Islam, associated with the ‘unknown’, with ‘backwardness’ or ‘violence’. There have been several protests against the idea of constructing mosques. The legal situation is also vague. There is no regulation in Czech law concerning the construction of places of worship. Like any other construction project, a mosque must be approved by the planning department of the relevant local council. Any construction project may be rejected on the basis of technical defects, but also if it is opposed by local people. Approval may be conditional on certain modifications, such as those required for aesthetic reasons. The approval of the Brno Mosque project, for instance, depended on the exclusion of characteristic features that were deemed ‘alien to the surrounding architecture’. In other words, it was made clear that the mosque could not have a minaret.

Czech Muslims have come up with several purpose-built mosque projects. Most have been rejected by the local authorities, apparently in response ‘to the will of the local population’. Such rejections were often based on petitions against building a mosque in a neighbourhood or city, supported in some cases by local church representatives. Such was the fate of two projects for mosques or Islamic centres in the spa city of Teplice, northern Bohemia, in 1995 and 2004. Both were to be financed by donors from the United Arab Emirates, since tens or even hundreds of patients come from Arab countries to Teplice for treatment. Another mosque project in another spa town, Orlová in northern Moravia, was rejected by the local authorities in 2004.⁴² In the Eastern Bohemian city of Hradec Králové in 2010 and early 2011 local politicians led a campaign and petition against the construction of a mosque or Islamic centre.⁴³

Czech Muslims, however, did finally succeed in establishing mosques in two major cities, Prague and Brno. In Brno, after a struggle with the local authorities, local Muslims were in 1996 allowed to build the first mosque in the Czech Republic, and it was inaugurated in 1998. A year later another was inaugurated, on the outskirts of Prague, and this is the only Czech mosque with a professional imam appointed by the UMO. From 2002 to 2006, the imam was Karam al-Badawi, an Egyptian graduate of al-Azhar University and the Islamic University in Medina, followed by a Bosnian, Emir Omić, a graduate of the Islamic faculty in Amman. Since 2006, Sheikh Ahmad Al Khadhmi, a Yemeni graduate of the Islamic faculty in Sana’a, has held that position.

⁴² It should be mentioned that it was also regarded as doubtful by members of the Czech Muslim community themselves, because of its suspicious financial source.

⁴³ ‘Výstavba mešity zvedla v Hradci Králové vlnu protestů’, *CT24*, 27 February 2011, <https://ct24.ceskatelevize.cz/clanek/regiony/vystavba-mesity-zvedla-v-hradci-kralove-vlnu-protestu-226000>.

These two buildings are the only structures in the Czech Republic to be regarded as ‘mosques’, although neither has that most obvious characteristic of a purpose-built mosque: a minaret. Even in those cities where permission to build a mosque was refused by the local authorities, the Muslim communities have established a sort of ‘Islamic centre’ in older buildings adapted to religious purposes. This is the case in Teplice, where there has been a prayer hall officially called ‘offices’ since 2009. In Hradec Králové, the local Muslim community bought a former hotel building in 2011 and turned it into a kind of Islamic centre.⁴⁴ There is also a Turkish prayer hall in Prague – the only Islamic centre in the Czech Republic to have a distinctive ethnic profile – and a prayer hall at Alfirdaus Language School in Brno. In addition, about a dozen other prayer rooms can be found in various Czech towns, mostly within student accommodation.

Slovakia’s capital city, Bratislava, still lacks a proper mosque. All efforts to establish an Islamic centre as a focus of worship in the country, including a mosque, were futile until 2009, when the Islamic Foundation in Slovakia (Islamská Nadácia na Slovensku), represented by Muhammad Hasna – a Muslim of Syrian origin, succeeded in opening an Islamic cultural centre called the Cordoba Centre for Intercultural Dialogue (Cordóba centrum pre medzikultúrny dialóg) in central Bratislava.⁴⁵ The centre has a prayer room and a library, and its goal is to launch language courses and educational programmes for children and to help Muslim immigrants with various matters. The Cordoba Centre is regarded as the first step towards a larger Islamic centre with a mosque, which has so far not been accepted by the Slovak authorities or the public.⁴⁶

CONCLUDING REMARKS

The Habsburg Islam Act of 1912 was inherited by the successor state, Czechoslovakia, together with other major imperial legislation. Czechoslovak Muslims, therefore, were supposed to enjoy the same status in the new state as they had before 1918, when the country had been part of the Austro-Hungarian empire. In fact, the 1912 Islam Act remained valid in Czechoslovakia for more

⁴⁴ ‘Petice proti výstavbě mešity v lázeňském městě Teplice’, *Parlamentní Listy*, 30 July 2011, www.parlamentnilisty.cz/arena/nazory-a-petice/Petice-proti-vystavbe-mesity-v-lazenskem-meste-Teplice-199932; Jiří Novotný, ‘Muslimové lžou o výstavbě nové mešity v Hradci Králové’, *Idnes*, 8 September 2010, <http://novotnyjiri.blog.idnes.cz/c/154347/Muslimove-lzou-o-vystavbe-nove-mesity-v-Hradci-Kralove.html>.

⁴⁵ The Islamic Foundation in Slovakia was established in 1999 and is generally seen as the institution that represents Muslims in the country. Lenč 2018: 606.

⁴⁶ There was also the Muslim Foundation in Slovakia, which was active in Bratislava from about 2009 to 2012. According to the available information, it had a preacher, Ammar Qari, of Saudi origin, and was allegedly funded by Saudi Arabia and close to the Salafi movement. For more on Muslim organisations that are currently active in Slovakia, see Lenč 2021: 602–3.

than thirty years, until the Communist coup in 1948, which led to the overhaul of the legal system. However, Muslims living in Czechoslovakia have never enjoyed any benefits of the Austro-Hungarian legacy. Most importantly, they failed to gain official status as a religious community while the Act was still in force in Czechoslovakia.

It would, however, be inaccurate to claim that this was entirely the result of the Czechoslovak authorities' intolerance of Muslims and their aspiration to be recognised as a religious community. According to the documents that are available, we can assert that the refusal of the authorities to approve such a status for Muslims originated partly in the chaotic legal situation, since Czechoslovakia had inherited two different sets of legislation from the empire: the Austrian Islam Act and the Hungarian one. There was arguably a lack of creativity and will on the side of the Czechoslovak authorities; they did not put much effort into finding a solution to the legal dilemma created by this dual legislation. There was also a lack of organisation on the part of the Czech Muslims, whose application was not flawless. The documents rather imply that they did not present a strong case, resulting in the authorities' lack of effort to help them. We can conclude that although the 1912 Austrian Islam Act remained in place until the end of the 1940s, it did not have any impact in favour of Muslims' demand for recognition because of the inflexibility of both the authorities and the Muslims themselves. The fact that the Muslim community was a tiny group only added to the marginalisation of the issue in the eyes of the state.

The political and legal situation became more favourable only after another forty years, with the end of the Communist regime. The new democratic Czechoslovakia tried to rehabilitate churches and religious communities that had been persecuted during the Communist period through new legislation, aiming to create a new relationship between the state and the churches and other religious communities. The new legislation, however, did not refer to the 1912 Austrian Islam Act, nor did any law specifically address Muslims; instead all religious communities and organisations were treated by the same standards. After the split of Czechoslovakia into two states in 1993, Czech and Slovak Muslims diverged in their attainment of official status. While Czech Muslims were finally recognised as a religious community (without special rights) in 2004, eighty-six years after the disintegration of the Austro-Hungarian empire, in Slovakia Muslims still await recognition and registration as a religious community.

The fact that the 1912 Austrian Islam Act, and indeed the Hungarian one of 1916, were not referred to in the legislation passed in the Czech Republic and Slovakia after 1993 contributed to Muslims' inability to enjoy the level of recognition they had had before 1918 in the Austro-Hungarian empire, even though they continued after 1989 to refer to their limited success at recognition

in the 1930s and 40s under the 1912 Act. Formally, both the new legislation of 2002 in the Czech Republic and that of 2007 in Slovakia go further than the Act of 1912; they allow recognised religious communities to conduct marriages, for example. However, this privilege is hardly achievable for the Muslims in both states. Even in the Czech Republic, where Muslims have succeeded in registering as a religious community, they lack the special privileges that are granted to larger denominational communities, since the threshold for this higher status is too high for them to reach. Thus, the modern laws have set up a legal framework that places the burden of gaining the right to recognition on Muslims themselves.

BIBLIOGRAPHY

- Cenker, Michal (2017), 'Slovakia', in *Yearbook of Muslims in Europe*, Volume 9, ed. Oliver Scharbrodt et al., Leiden: Brill, pp. 599–615.
- Černý, Karel, and Zuzana Rendek (2021), 'Czech Republic', in *Yearbook of Muslims in Europe*, Volume 12, ed. Egdūnas Račius et al., Leiden: Brill, pp. 174–88.
- (2022), 'Czech Republic', in *Yearbook of Muslims in Europe*, Volume 13, ed. Stephanie Müssig et al., Leiden: Brill, pp. 174–88.
- Lenč, Josef (2018), 'Slovakia', in *Yearbook of Muslims in Europe*, Volume 10, ed. Oliver Scharbrodt et al., Leiden: Brill, pp. 594–607.
- (2021), 'Slovakia', in *Yearbook of Muslims in Europe*, Volume 12, ed. Egdūnas Račius et al., Leiden: Brill, pp. 591–603.
- Lhoťan, Lukáš (2019), *Islám a Islamismus v České Republice*, Pstruží: Lukáš Lhoťan.
- Macháček, Štěpán (2017), 'Czech Republic', in *Yearbook of Muslims in Europe*, Volume 9, ed. Oliver Scharbrodt et al., Leiden: Brill, pp. 196–205.
- (2018), 'Czech Republic', in *Yearbook of Muslims in Europe*, Volume 10, ed. Oliver Scharbrodt et al., Leiden: Brill, pp. 187–96.
- (2019), 'Czech Republic', in *Yearbook of Muslims in Europe*, Volume 11, ed. Oliver Scharbrodt et al., Leiden: Brill, pp. 188–98.
- Mendel, Miloš, Bronislav Ostránský and Tomáš Rataj (2007), *Islám v srdci Evropy*, Prague: Academia.
- Rýdl, Karel, and Marika Uiberlayová (2004), 'Education and Muslim Minorities in the Czech Republic', in *Educational Strategies among Muslims in the Context of Globalization*, ed. Holger Daun and Geoffrey Walford, Leiden: Brill, pp. 247–61.
- Topinka, Daniel (2016), *Muslimové v Česku*, Prague: Barrister & Principal.

*Islam and Muslims in the Successor States
of the Austro-Hungarian Empire:
The Case of Poland*

KONRAD PĘDZIWIATR

While state authorities in Western European countries with large Muslim populations, such as France, Germany and the United Kingdom, have been struggling in recent decades to find a single institutional voice to speak for Muslims' demands and needs, many countries in Central and Eastern Europe with indigenous Muslim populations have paid less attention to this, having recognised certain Muslim organisations as 'representative' a few decades ago. One of them, Poland, will be analysed in this chapter, but many other countries in the region, including Lithuania, Romania and Bulgaria, have also relied upon or re-created similar arrangements vis-à-vis their own Muslim populations. This does not mean that the authority of these historically recognised Muslim organisations is not challenged by newer institutional actors. In fact, traditional legal arrangements are often not able to keep pace with changing social realities.

In creating a representative Muslim organisation, or finding their 'Holy Grail', to use Dilwar Hussain's words, Central and Eastern European countries relied on historic arrangements only partially redesigned for new social conditions.¹ These arrangements concerning the authority of Muslim organisations bore many features of the official recognition of Islam that took place in the Austro-Hungarian empire in 1912, an Act that was unprecedented in Western Christian countries. Even though this recognition, the Islam Act (*Islamgesetz*) of 1912, was not among the direct sources of Polish legal arrangements vis-à-vis its Muslim populations, it influenced them indirectly because parts of contemporary Poland were under the control of the Habsburgs. The major problems regarding

¹ Hussain 2003: 245.

Islam–state relations in the Polish context stem from the lack of regulation concerning Muslims when Poland emerged as an independent state under a single government after the First World War. And those problems are a product of the post-war revocation of Russian/Soviet regulations from those areas that had not been under Austro-Hungarian control, in addition to the long history of conflict and tension between Poland and Russia.

When the Islam Act was introduced in the Austro-Hungarian empire in 1912, Poland did not exist on European maps. Having been partitioned between 1772 and 1795, the country became independent again after the First World War. The Poland that re-emerged after 123 years was formed from parts of the Russian, Austro–Hungarian and German empires, and therefore brought together three different traditions of constitutional law. Until then, the Austrian Islam Act had applied in the Austrian parts of Poland (i.e. essentially in Lesser Poland with the metropolis of Kraków). However, fewer Muslims lived in this region than in those parts of Poland that until 1918 had been under Russian control and where Russian laws concerning Islam applied.

Rather than following directly in the footsteps of the Austro-Hungarian lawmakers, the recognition of certain Muslim groups in post-First World War Poland aimed at regulating the elements of religious life that had hitherto been unregulated and limiting the influence in the new Polish state of the recently established Russian Soviet-controlled Central Muslim Religious Board of Inner Russia and Siberia over the local Muslim population. However, in the case of the Polish recognition of Islam officially established in 1936, which was the fourth instance of its kind in Europe (after the Austria-ruled half of the Austro-Hungarian empire (Cisleithania) in 1912, the Hungarian half (Transleithania) in 1916 and Finland in 1922), it is quite likely that the Polish lawmakers looked instead to the Austrian Islam Act of 1912.

The goal of this chapter is to shed light on the transformation of the management of Muslim communities and the governance of Islam in Poland over the past century. Particular attention will be paid to contemporary Muslim communities and their relations with one another, as well as with the state. Before discussing the existing legal frameworks regulating the relations between the state and Muslim communities, or between the ‘mosque and the state’, and their effect on intra- and inter-group relations within the Muslim populations, the chapter will briefly outline the roots of the diversity of the Polish Muslim populations. The research on which the chapter is based is composed of an analysis of the published documents and existing sources as well as extensive fieldwork, including participant observation and in-depth interviews with representatives and members of the Muslim communities in Poland. The fieldwork was conducted in cities where the most powerful institutions founded and supervised by the Muslim community are based: Warsaw, Kraków, Gdańsk, Poznań,

Wrocław and Białystok.² The research was carried out in two phases: 2010–12 and 2016–18.

MUSLIM DIVERSITY IN POLAND

Although Poles were asked about their religious affiliation in the most recent Polish censuses (2012, 2021), there is no precise information about the size of the Muslim population in Poland, a country of 38 million inhabitants.³ It is estimated that there are between 35,000 and 45,000 Muslims in Poland (including individuals who feel an affinity with Muslimness in one form or another),⁴ a figure that constitutes about 0.1 per cent of the total population.⁵

The earliest contact between Poland and the Muslim world can be traced back to the country's beginnings. In fact, one of the very first accounts of a proto-state on current Polish territory comes from Ibrahim ibn Jakub, a trader from Moorish-ruled Tortosa in al-Andalus, who was passing through Polish lands in the tenth century. Permanent Muslim settlements did not appear until the fourteenth century, initially consisting of Tatar prisoners of war and refugees in the Grand Duchy of Lithuania, which was at that time a shared monarchy with Poland.⁶

The Tatars in the united Poland and Lithuania had lost their language by the end of the sixteenth century, but maintained their religion, traditions and customs.⁷ A new wave of Tatar settlers arrived in what is now northeastern Poland at the end of the seventeenth century, and their descendants continue to live there.⁸ They played a key role in the Polish–Lithuanian defence system and were part of the Polish king John III Sobieski's army during the Battle of Vienna in 1683. It is estimated that in the eighteenth century about 100,000

² Except one interview, which was carried out with a Polish Shia leader who lives in Birmingham, UK.

³ The census confirmed the predominance of Christian Catholics in the country, but managed to cover only 91 per cent of the population. The remaining almost 9 per cent either did not answer the question or did not provide information. Some 4,800 people in Poland declared membership of one of the Muslim organisations in the country. At the same time, the Central Statistical Office of Poland (Główny Urząd Statystyczny; GUS) reported (based on self-declaration of Muslim organisations) that the largest organisation, the Muslim League, had 35,000 followers in 2018. The more recent census of 2021 does not give any information about religious affiliation. See GUS 2019: 250–61.

⁴ Here, it is important to stress that being a 'Muslim' means different things to different individuals, and thus the notion of Muslimness should be approached with great care in order not to essentialise it. For an elaboration of different aspects of Muslimness, see Pędziwiatr 2007: 42–5 and Pędziwiatr 2010: 111–13.

⁵ See Gródź 2002, Kubicki 2006, and Nalborczyk and Gródź 2010.

⁶ Tatar groups living in Polish and Lithuanian territory were often referred to in the literature as 'Lipka Tatars'. This name is supposed to have its roots in the historic Turkish name for Lithuania; see Borawski and Dubiński 1986.

⁷ Pędziwiatr 2011a.

⁸ Czarniejewska, Kosowicz and Marek 2009.

Tatar Muslims lived in Poland.⁹ In the multi-ethnic Poland of the interwar period (1918–39), nineteen Muslim communities found their homes, mosques and cemeteries within the country's frontiers.

After the Second World War, only about 10 per cent of the traditional Tatar settlements remained within the redrawn Polish borders. Post-war migration further dispersed the Tatar community, and in addition to Tatar settlements in Białystok and Warsaw, new ones emerged in Gdańsk, Gorzów Wielkopolski, Szczecin and Oleśnica.¹⁰ Polish society was, as a result, much more homogeneous ethnically and religiously after the Second World War than it had been before it.¹¹ With almost 90 per cent of citizens declaring adherence to the Roman Catholic Church, Poland became one of the most religiously homogeneous countries in Europe.¹²

During the Communist period, not only the majority religious community in the country – that is, the Catholics – but also minority religious groups were subjected to strong pressure to secularise. For the Communists, religion was a cultural relic and an element that had to be expunged from society. The Tatar community managed to preserve elements of Muslim religiosity, but the experience of life under a Communist state left its imprint on their religiousness. It can be argued that religiosity among the Tatars was weakened significantly owing not only to the promotion of atheism by the state authorities, but also by the weakening of the Tatar middle and upper classes, including the Muslim clergy, and the uprooting of communities from their former homelands and their resettlement in the so-called Regained Territories. Religious transmission to future generations also suffered as a result of these changes. Religious education, especially in the new territories that had been German before the war and became Polish after it, was either limited significantly or wiped out entirely. One person who did not receive any formal or semi-formal religious education while living in the so-called Regained Territories (i.e. in the town of Trzcianka) is Dżenneta Bogdanowicz, the Tatar community leader in Kruszyniany and co-founder of the hotel and restaurant *Tatarska Jurta*.¹³

⁹ GUS 2019: 250.

¹⁰ Gródź 2002; Nalborczyk and Gródź 2010.

¹¹ According to the last census before the Second World War, taken in 1931, of the inhabitants of Poland 68.9 per cent were Poles, 13.9 per cent Ukrainians, 8.7 per cent Jews, 3.1 per cent Byelorussians and 2.3 per cent Germans.

¹² The largest religious minority is Christian Orthodox, with 156,000 followers (data from the 2012 census is available at www.stat.gov.pl). The number of regularly practising Poles has been slowly yet steadily dropping and, at present, about 36 per cent of Poles go to church regularly; see *Annuaire Statisticum Ecclesiae in Polonia*, Warsaw: Instytut Statystyki Kościoła Katolickiego, 2020. In a PEW Research Center study in 2018, Poland emerged as the country with the largest gap in religiosity between the older generation (people over forty-five years old) and the younger; see PEW, 'The Age Gap in Religion around the World: Pew Research Center Report', 13 June 2018, www.pewforum.org/2018/06/13/the-age-gap-in-religion-around-the-world.

¹³ Interview with Dżenneta Bogdanowicz, 15 January 2018.

If religious education took place at all, it was mostly at home or in the houses of Tatar imams.

When the generation of pre-war imams began to disappear and religious transmission was becoming increasingly endangered, the gap started to be filled by Arab students who had moved to Poland for educational purposes from the Middle East and Africa from 1970s onwards. As one of the representatives of the Tatar community of the younger generation indicated, 'Arab students taught children, and it was fun. Because they really taught us so much. My generation, most of the religious knowledge we have is not from the Tatars, absolutely not; it's from those Arab students.'¹⁴ Thus the 'revival' of Islam in Poland was linked closely with migration that had started during the Communist period. The initial wave of Muslim migration to Poland for educational reasons was followed by others with economic and political impetus. The largest groups of students from the League of Arab States were composed of those from Iraq (around 2,000, of whom around 900 graduated from Polish universities), Syria (778 graduates), Sudan (311 graduates), Yemen (290 graduates), Jordan (188 graduates) and Tunisia (125 graduates).¹⁵ The citizens of Arab countries usually studied medicine, business and administrative studies, and, less frequently, humanities. Some of these students established families and decided to settle in Poland, thus becoming the pioneers of the Muslim immigrant community there.¹⁶ Thanks to their entrepreneurial and organisational skills, new Muslim organisations have also emerged, which will be discussed in more detail below.

At the beginning of the 1990s, migratory patterns started to change. While increasing numbers of Poles migrated to Western Europe, especially to the United Kingdom and Germany, Poland became increasingly attractive to new groups of immigrants, including Muslim professionals, businesspeople and asylum-seekers. The largest group of Muslim refugees in the 1990s and 2000s was the Chechen one. It is estimated that around 100,000 Chechens crossed the Polish border with the aim of eventually reaching Western Europe. While most left for Austria, Germany, Belgium, France and Sweden (to mention the most important destinations), some stayed in Poland. Somalis, Afghanis, Iraqis and Syrians are the other significant groups of Muslims seeking asylum in Poland in recent decades.¹⁷

Presently, it is estimated that around a fifth of the Muslims in Poland are the descendants of Tatars who have been settled in the country since the thirteenth

¹⁴ Interview with Dagmara Sulkiewicz, 13 January 2018.

¹⁵ Apart from Iraq, these figures take into account only people who completed their studies. But as demonstrated by the Iraq figures, if all the students who studied in Poland were taken into account, the figure might be twice as high. See Chilczuk 2001.

¹⁶ For more information about the migratory movement into Poland, see Pędziwiatr 2012 and Stola 2010.

¹⁷ See the reports Górny et al. 2017 and Pędziwiatr, Stonawski and Brzozowski 2022.

and fourteenth centuries.¹⁸ The remaining majority is a very diverse group comprised of the recent immigrants mentioned above. We should also add Poles who have embraced Islam. Student migrants from Muslim-majority countries have become particularly active within the Muslim community and probably play the most important role in its affairs. Most have acquired Polish citizenship and substantial cultural capital, identifying simultaneously with Poland, their specific country of origin and the wider Muslim *Umma*. They have been instrumental in establishing some of the most dynamic Muslim institutions in the country, such as the Muslim Culture Centre in Wrocław and the Muslim Cultural Centre in Warsaw. In doing so, they have been greatly assisted by numerous Polish intellectuals who have embraced Islam, including political scientists, philosophers, Orientalists and artists. As in other European countries, Polish converts have played the role of skilful cultural navigators, helping to translate various aspects of Islamic heritage into the local context.¹⁹

The largest concentration of Muslims in Poland is to be found in the capital. Other cities with substantial Muslim communities include Kraków, Łódź, Wrocław, Poznań, Gdańsk and Białystok, and there are also vibrant Muslim centres in Lublin and Katowice, Opole, Olsztyn and Bydgoszcz. The leadership of the Polish Shi‘a community, which is made up almost entirely of Polish converts, is located in the city of Bydgoszcz. The Muslim population in Poland is also very diverse in terms of religious world views. Muslims living in the country follow various paths of Islam. The majority are Sunnis of the Hanafi *madhhab*, but there are also Shi‘a, Shafi‘i Muslims from Chechnya, Dagestan and Ingushetia, followers of other *madhhabs*, and people inspired by the spiritual path of Islam or Sufism. There are also a few dozen members of the Ahmadiyya Muslim Community, which has its office in Warsaw. Other Muslim movements actively involved in educational projects include the Fethullah Gülen Movement, which is active in Poland through the Dunaj Foundation and Vistula University.

THE LEGAL STATUS OF ISLAM IN POLAND

In order to describe the current status of Islam in Poland, it is worth going back to the beginning of the twentieth century, when the population that today makes up part of the indigenous Polish Muslim community was under Russian control. This control involved not only political but also religious supervision. One of the institutions that was created to deal with Islamic issues of the

¹⁸ The last census carried out in Poland, in 2001, actually revealed a population of Tatars ten times smaller than estimated (approximately 500), but that was mainly the result of faulty methodology; see Babiński 2004. For more on how many Tatars do not see themselves as a separate nationality, see Warminińska 1999 and 2011.

¹⁹ Allievi 1999.

people under Russian rule was the Ufa Spiritual Assembly of Mohammedan Law (Ufinskoe Duhovnoe Magometanskogo Zakona Sobranie), established in 1788 on the order of Catherine II. It was renamed several times – in 1917 it became the Central Muslim Religious Board of Inner Russia and Siberia (Tsentralnoe Duhovnoe Upravlenie Musulman Vnutriennoi Rossii i Sibiri), in 1948 the Muslim Religious Board of the European Part of the USSR and Siberia (Musulamanskoe Duhovnoe Upravlenie Evropeiskoi Chasti SSR i Sibiri) and in 1992 the Central Spiritual Board of Muslims of Russia and European Countries of the Commonwealth of Independent States (Tsentralnoe Duhovnoe Upravlenie Musulman Rossi i Evropeiskich Stran SNG) – and has survived several political systems.²⁰ Yet it still fulfilled the same function of organising, governing and controlling Muslim religious life in Russian, Soviet and post-Soviet territories. Every Muslim community or organisation had to be affiliated with such a religious board in order to be recognised officially.²¹

At the beginning of the twentieth century, the entire Polish Muslim population was under the religious authority linked to Russian monarchic, then Communist and finally secular rule. The Polish constitution of 1921, however, revoked Russian/Soviet regulations concerning Polish followers of Islam, so there was an urgent need for new regulations and structures. The largest number of Muslims and Muslim organisations were then in Vilnius (today's capital of Lithuania, and, in the interwar period, a major Polish city), and from there in 1923 they issued a memorandum to the authorities in which they called for the regulation of the legal status of Polish Muslims and the establishment of a *Muftiat* (a position of mufti) in Vilnius. They argued that such regulations were needed urgently in the context of the discontinuation of formal dependency on the already non-existent *Muftiat* in Simferopol (then the capital of the Crimean Autonomous Soviet Socialist Republic and now a contested part of Ukraine) and the lack of financial support for the Muslim clergy in Poland.²² This memorandum was received positively by the authorities, and in 1925 the *Muftiat* in Poland was established, with its seat in Vilnius.

During the founding convention, the Polish Muslim delegates not only chose the first mufti of Poland (Jakub Szynekiewicz, 1884–1966), but also set up an umbrella organisation, the Muslim Religious Union in the Republic of Poland (Muzułmański Związek Religijny w Rzeczypospolitej Polskiej, hereafter MZR). Formal recognition of Islam as one of the religions of Polish citizens and the formalisation of relations between the state and the Muslim community occurred a decade later, in 1936, when the government ratified the statute of the MZR.

²⁰ For more information, see Akhmetova 2010.

²¹ Ibid., 442.

²² Sobczak 2004.

The Act not only meant the official recognition of Islam by the Polish state, but also revoked all previous regulations and rendered the MZR independent of any authority outside Poland.²³ The MZR, and hence the Muslim community, came under the control of the state, which influenced the functioning of the MZR and the appointment of the muftis. The government, for its part, obligated itself to support the MZR financially and to aid its authorities and offices.²⁴

Under Communist rule, the pre-Second World War legal framework of state and Muslim community relations was not revoked, so, in theory, it was upheld. However, in practice, it was not followed. Religion was not banned, but the authorities suppressed all religious communities and practices, including those of Muslims. This was especially the case during the Stalinist era. As we have seen, religious socialisation and the maintenance of religious identities also became a daily struggle for Muslims in Poland. This was linked not only to the dispersal of many Tatar communities, making it difficult to build and maintain structures of religious identity (such as mosques), but also to the strength of the secularist pressure coming from the Communist Party.

Freedom of conscience and religious practice was firmly reinstated after the collapse of the Communist regime in Poland. The new government policies were characterised by a neutral, if not positive, attitude to religion, religious communities and practices. The Polish constitution of 1997 states in Article 53, paragraph 5 that ‘the freedom to publicly express religion may be limited only by means of statute and only where this is necessary for the defence of state security, public order, health, morals or the freedoms and rights of others.’ Paragraph 6 ensures that ‘no one shall be compelled to participate or not participate in religious practices.’²⁵ Moreover, in Poland, the state has no right to define the content and sectarian orientation of religions or the rules that govern their internal bodies. State and religious groups are also financially independent of one another. For example, religious organisations cannot receive funding for their religious and internal activities. The only exception is the Roman Catholic Church, on the basis of the Concordat with the Holy See of 1993.

Although the social realities of Muslims in post-Communist Poland have changed dramatically, especially in terms of the religious and ethnic diversity of the Muslim population of the country, the pre-Second World War legal framework of state–Islam relations, which has little relevance for the current situation, is still being upheld. The exploration of intra- and inter-group relations within the Muslim population in Poland, and their contest for religious authority, is crucial if we are to understand why this is the case.

²³ Miśkiewicz 1990; Miśkiewicz and Kamocki 2004.

²⁴ Nalborczyk and Borecki 2011: 347.

²⁵ The Polish constitution is available at www.sejm.gov.pl/prawo/konst/angielski/kon1.htm (accessed 10 July 2022).

MUSLIM RELIGIOUS LEADERSHIP AND AUTHORITY IN POLAND

There are currently five major organisations catering to the needs of Muslims in Poland. They are all part of 186 ‘registered denominations’ (*związki wyznaniowe*) in Poland, together with the dominant Catholic Church, which is the only denomination in the country governed in line with a document signed by the state with the Holy See.²⁶ However, only two organisations – on which we shall concentrate – have more than 2,000 members and strive to speak in the name of all Muslims in the country, as well as representing them *vis-à-vis* the state. These are the aforementioned MZR and the relatively young Muslim League of the Republic of Poland (Liga Muzułmańska, hereafter LM), and their centres are in different parts of the country.²⁷ Relations between them are influenced significantly by the policy of the state towards the Muslim minority.

The role of organisational *primus inter pares* within the Muslim population in Poland (at least in the eyes of the state) is undoubtedly played by the Tatar-dominated MZR, the oldest Muslim organisation in the country (Fig. 12.1). Imams and muezzins, and the mufti of Poland, have been chosen from among its ranks since the official recognition of Islam in 1936, and, before the Second World War, had their salaries paid by the Polish state.²⁸ After 1989 – when the new Polish constitution and other laws made it much easier to register new religious organisations, including Muslim ones – the MZR lost its status as the sole representative body of Muslims in Poland.

The first mufti of Poland after the Second World War was elected by members of the MZR in 2004. Since then, this role has been played by Tomasz Miśkiewicz (b.1977), a Tatar imam from Białystok who completed a BA degree in Sharia law at the Islamic University of Medina in Saudi Arabia. Until the end of the 1990s, membership of the MZR was open only to Muslims with Polish citizenship, a restriction that partially contributed to the creation of the second major Muslim organisation in the country, which was more inclusive. The MZR learned this lesson and is at present open not only to Muslim Polish citizens, but

²⁶ GUS 2019.

²⁷ Smaller Muslim organisations in the country include the predecessor of the LM, the Association of Muslim Students in Poland (Stowarzyszenie Studentów Muzułmańskich w Polsce); the Muslim Association for Cultural Formation (Muzułmańskie Stowarzyszenie Kształcenia Kulturalnego), which is closely linked to the LM; and two Shia Muslim organisations that do not cooperate with each other, the Association of Muslim Unity (Stowarzyszenie Jedności Muzułmańskiej) and the Ahl-ul-Bayt Islamic Assembly of Poland (Islamskie Zgromadzenie Ahl-ul-Bayt). Other organisations include the Tatar Union of the Republic of Poland (Związek Tatarów Rzeczypospolitej Polskiej), the School of Sufi Teachings (Szkoła Nauk Sufich), the Muslim Association Ahmadiyya (Muzułmańskie Stowarzyszenia Ahmadiyya), the Mevlana Foundation (Fundacja Mevlana) and the Danube Dialogue Institute (Instytut Dialogu Dunaj). For more information on these organisations, see Pędziwiatr 2011b.

²⁸ As mentioned above, the Communist regime ceased to support any religious group after it came to power in 1947.



Figure 12.1 One of the two historic Tatar mosques in Poland – Kruszyniany, 2020, Poland. Photography: William Baryło.

also to all Muslims who have permanent residence in Poland.²⁹ Although the key positions are still occupied by Tatars, at least 15 per cent of its members are now immigrants and converts.³⁰

The MZR has maintained the historical and intellectual life of Polish Muslims and the visibility of Muslim presence in the public sphere, by looking after two historic mosques from the sixteenth and seventeenth centuries in Kruszyniany and Bohoniki, and a prayer house that was turned into a mosque in 2021 in Białystok. It has also overseen one of the two modern purpose-built mosques, that in Gdańsk, which was built at the beginning of the 1990s by members of the organisation living near the Baltic Sea. In addition, the MZR maintains a vibrant publishing arm. Two of its journals, *Przegląd Tatarski* and *Muzułmanie Rzeczypospolitej*, can be downloaded from their well-maintained websites.³¹

The Tatar-led organisation receives substantial financial support from the state to conduct various activities, not as a religious organisation (funding for

²⁹ However, membership of the governing body of the organisation (Najwyższe Kolegium MZR) is still limited to Muslims with Polish citizenship. See §20 of the statutes of the MZR, available at www.mzr.pl/statut (accessed 15 June 2022).

³⁰ Nalborczyk and Gródź 2010: 404.

³¹ More information on the organisation can be found at www.mzr.pl and www.muzułmanie.pl (accessed 20 June 2022).

which is forbidden by the constitution), but as an ethnic-minority organisation. Tatars are in fact recognised not only as members of a religious minority and spokespeople of the Muslim community in Poland, but also as an ethnic minority, which is arguably even more important.³² The Act of 6 January 2005 on National and Ethnic Minorities and on the Regional Languages,³³ which recognised the Tatars as one of the four ethnic minorities in Poland, reinforced their privileged position within the Muslim community.³⁴ Paragraph 18 of this Act states, for example, that ‘public authorities shall be obligated to take appropriate measures in order to support the activity aimed at protection, maintenance and development of cultural identity of the minority.’ Such a law not only opens numerous channels of state funding for the recognised minorities, but also represents a powerful mechanism for enforcing ethnic boundaries and the different statuses ascribed to the various ethno-national categories.³⁵

The emergence of the second major Muslim organisation in the country, the LM, is linked, at least partially, to the initial exclusiveness of the MZR. The LM was set up in 2001 to, inter alia, ‘promote awareness about Islam’ and ‘exercise Muslim religious rights’.³⁶ The organisation was recognised in 2004 as ‘a religious denomination – community’ by the Department of Denominations and National Minorities at the Ministry of Internal Affairs and Administration. In contrast to the MZR, membership of the LM has from the very beginning been open to Polish Muslims, Muslims with naturalised Polish citizenship and those with permanent or temporary residence permits. Like the MZR, the LM has created the position of mufti (with the title of Mufti of the Muslim League in Poland), which from its inception until 2020 was held by imam Nidal Abu Tabaq (a medical doctor by profession) from the Muslim Centre in Lublin, and which has not been filled since his Covid-19-related death at the end of 2020. The establishment of a position of mufti was a clear attempt by the LM to challenge at least some of the religious authority of the MZR’s mufti of Poland, and thus the latter organisation’s claim to represent all Muslims in the country. In international relations mediated by state authorities, the Polish Muslim community has usually been represented by the mufti of Poland, and here the LM

³² This recognition is of a more informal nature, although the pre-war legislation from 1936 is still binding, since it was not repealed by the Communist regime or by any post-1989 government.

³³ There are four recognised ethnic minorities in Poland: the Karaim, the Lemko, the Roma and the Tatar. There are also nine recognised national minorities: Byelorussians, Czechs, Lithuanians, Germans, Armenians, Russians, Slovaks, Ukrainians and Jews. See the Act of 2005 in English at www.gov.pl/attachment/f6197e7c-2c12-45e5-8fa2-77dcb3b9657c (accessed 15 June 2022).

³⁴ The Tatars, for example, are the only group within the Muslim population in Poland that possesses access to state media. Polish Television in Białystok regularly broadcasts a programme called *Orient Podlaski*; see www.bialystok.tvp.pl (accessed 20 June 2022).

³⁵ On the Tatar community’s reception of the 2005 Act, see Warmińska 1999.

³⁶ See the organisation’s self-presentation on its website: www.islam.info.pl (accessed 20 June 2022).

has very little chance of breaking the MZR's monopoly.³⁷ Internally, however, even with the state's backing, the position and authority of the MZR-elected mufti of Poland are much more exposed, and hence prone to challenges that undermine his authority.

Fieldwork carried out by the author in 2010 and 2011 showed that the two muftis (Tomasz Miśkiewicz of the MZR and Nidal Abu Tabaq of the LM), who theoretically should be regarded by members of the wider Muslim community in Poland as the key points of religious reference, were not necessarily viewed in such a way. In an age of relatively easy access to religious knowledge from abroad, many practising Polish Muslims, then and now, search for religious guidance beyond the formal structures set up for them. This is also the result of dissatisfaction with the quality of guidance provided by the Polish muftis. Some of the people interviewed in the course of the research argued that if they wanted to inquire about religious issues, they would rather address imam Jarosław Banasiak (of the Sunni tradition, linked with the LM) or imam Arkadiusz Miernik (of the Shi'a tradition, linked with the Association of Muslim Unity).³⁸ At the same time, several people interviewed pointed out that when assessing the religious and organisational leadership provided by the major Muslim organisations in the country, one must take into account the very limited resources (both financial and human) that they have at their disposal, and the fact that a great deal of work within these structures is being done pro bono or on a voluntary basis.³⁹

The LM has established vibrant centres in all major Polish cities, including Warsaw, Łódź, Wrocław, Katowice, Kraków, Poznań, Lublin and Białystok. In this way, it has been striving to cater to the needs of Muslims in many places in the country where MZR structures are not available. The organisation also built in Warsaw – not without protest against its construction from sectors of the broader community – the biggest Muslim cultural centre in Poland, with prayer facilities for 300 people.⁴⁰ Its actions are aimed not only at building Muslim institutions in Poland, but also at educating Muslims and non-Muslims about Islam and its culture and heritage. The LM strives to achieve the latter goal through publishing, among other activities. It has brought out numerous books, as well as a Muslim socio-cultural quarterly, *As-Salam*.⁴¹ Until 2013 the Council of Imams, an organ of the LM, published the journal *Al-Umma* for new

³⁷ It can do so only through non-state-mediated channels (for example pan-Islamist groups), but so far it has been doing it only to a limited degree (such as by obtaining funding for the Muslim Cultural Centre in Warsaw).

³⁸ Interviews with Dagmara Sulkiewicz, 13 January 2018, and Dżenneta Bogdanowicz, 15 January 2018.

³⁹ Ibid.

⁴⁰ Narkowicz and Pędziwiatr 2017.

⁴¹ The quarterly was published by the Institute of Studies on Islam, set up by the LM. For more information, see the journal's Facebook page: www.facebook.com/assalampl (accessed 17 April 2023).

Muslims.⁴² The latter publication can be viewed both as an educational tool for new adherents to the faith and as an element of the subtle organisational policy of inviting people to Islam or carrying out *da'wa*.

There have been discussions and efforts to set up an organisation that would allow all Muslims in Poland to speak with one voice to the government and the media. However, these have been futile, owing among other things to a lack of willingness on the part of major players (the MZR and the LM) to truly engage in the creation of such a body. It has even proved very difficult to issue joint press releases addressing issues critical to the Muslim community, either because of the complications of reaching a common position among the organisations, or because of their insistence on speaking exclusively for themselves, voicing their own views only.

The state authorities have also not been interested in helping to establish such a body, having clearly favoured relations with the MZR over any other organisational representation of the Muslim population in the political corridors of power. This policy is rather short-sighted, however, considering the changing demographics of the country's Muslim population. Muslim life in Poland is currently animated by the MZR only to a limited degree, and other organisations and institutions have been gaining the support of the majority of Muslims in Poland. The state acts as an important (largely hidden) intermediary between two key groups in the Polish Muslim community: naturalised immigrants of mostly Arab descent, leading the LM; and Tatars, leading the MZR. Their relations can be broadly divided into three stages: 1) the religious revival and intensification of cooperation to the end of the 1990s, 2) growing competition and confrontation from the emergence of the LM in 2001 until about 2012 and 3) what can be called 'quiet competition', with elements of cooperation. The last stage, the quiet competition, emerged after the significant weakening of the Tatar community as a result of internal disputes, and the expansion of the Arab community in Poland as a result of the victory of counter-revolutionary forces in the Arab countries. The final section of this chapter will discuss key characteristics of this pendulum of cooperation and competition.

COOPERATION AND COMPETITION AMONG MUSLIMS IN POLAND

In the 1980s and 90s, Arab students and immigrants arriving in Poland played a key role in the wider religious revival among the Tatar community. As one interviewee claimed:

⁴² More information about the organisation and its status can be found at www.islam.info.pl (accessed 17 April 2023).

in many houses, this religiosity used to function only in a vestigial version, and it had all started to disappear, these religious customs. *Mufirki* [tapestry with Qur'anic verses] on the walls were still there; saying prayers before sleeping, if someone could; the ritual of *azan* [giving a name to a newborn child]; funeral. But the wedding; it was totally Polish. And they [Arab students] really revived this whole religion within the Tatars.⁴³

The students played an important part not only in the revitalisation of religious transmission, but also in the creation of new Muslim centres.⁴⁴ This was particularly visible in the city of Białystok and the Białystok region. The Tatar community there helped Arab students and immigrants to adapt to life in Poland, while the Arabs individually and collectively engaged in religious activities. In 1991, as a result of interaction with the Polish indigenous Muslim community, the first immigrant Arab-Muslim organisation in Poland was formed: the Association of Muslim Students (SSM), which aimed, inter alia, 'at protecting Islamic identity and Islamic practice among Muslims, promoting Islamic culture and civilisation among Muslims and followers of other religions, and, as far as the financial possibilities would allow, also providing assistance to those in need'.⁴⁵ This led to the creation of the first Muslim centre with a prayer hall, purchased by the Muslim Association of Education and Culture (MSKK), which later became the owner of similar facilities in other Polish cities, including Lublin, Wrocław, Poznań and Warsaw.⁴⁶ Also significant is the fact that numerous leaders of the LM have spent time in Białystok, where they interacted with the local Tatar community.⁴⁷

An important element of the Arab student activity, especially in the 1990s, was publishing. Various religious booklets published by them played an important part in the secondary religious socialisation of the Tatar community and stimulated a wider religious revival. It is very important to understand the latter, especially after 1989 in the context of an opening-up to the processes of globalisation and democratisation. This opening was linked to access to various opportunities that had not previously been available (including the possibility of going to Muslim countries to study theology), which meant that the Muslim community in Poland began to undergo a dynamic transformation. During the

⁴³ Interview with Dagmara Sulkiewicz, 13 January 2018.

⁴⁴ For more on Islamic religious education in Poland past and present, see Nalborczyk and Pędziwiatr 2018.

⁴⁵ Information about the association from www.radawspolna.pl/index4fdd.html (accessed 13 March 2024).

⁴⁶ The organisation was founded in 1996 by the SSM circle to carry out various projects for the Arab community and to manage Islamic centres throughout the country. Interviews with Samir Ismail, 20 September 2016, and Ibrahim Khartouma, 12 January 2018.

⁴⁷ Interview with Youssef Chadid, 30 January 2018.

Polish People's Republic (1947–89), contact between the Tatar community in Poland and the wider Muslim world was limited not only because of the restrictions enforced by the Polish authorities, but also owing to insufficient cultural capital – above all, the language barrier. Miśkiewicz elaborates:

Representatives of the World Muslim League came to visit us two or three times in the 1980s. However, there was always a linguistic barrier. There was no one in the administration of the Muslim Religious Union [MZR] who knew Arabic. Neither the members of the Collegium [a body within the MZR] nor the imams knew any Arabic, apart from reading the Qur'an and reciting the Suras.⁴⁸

Thanks to Arabic students, not only could the Tatar community communicate better with the Arab delegates coming to the country but also some of its members could go abroad to study theology and acquire the qualifications necessary to lead the Muslim community in the country. Among those who benefited from this exchange were Miśkiewicz (educated in Syria, Sudan and Saudi Arabia), Janusz Aleksandrowicz (educated in Yugoslavia and France, at Château-Chinon, European Institute of Humanities) and Ali Bazarewicz (educated in Yugoslavia, Saudi Arabia and France, also at Château-Chinon).⁴⁹

In the Białystok region, Tatar–Arab cooperation was so well developed in the late 1980s and 90s that the two communities formed a Coordination Committee between their institutions (the SSM and the MZR) for the better management of joint projects. At the same time, in the 1990s, conflict between the members of the two communities began to emerge, as did Tatar accusations of the Arab students' over-reaching intervention in cultural elements of their community (including family life, religious practices and customs) and of the students' aspiration to take control of the MZR. One of the important failures of this cooperation was the unfinished project for the construction of the mosque and *madrasa* for the local Muslim community on Pomorska Street, Białystok.⁵⁰

The establishment of the LM in the Republic of Poland in 2001 marked the end of this close cooperation and opened a chapter of increasing competition. This happened after the terrorist attacks of 11 September 2001 in the United States, in the context of growing politicisation of the Muslim presence in Europe, the so-called war on terror, the securitisation of migration processes

⁴⁸ Interview with Tomasz Miśkiewicz, 12 January 2018.

⁴⁹ Interviews with Janusz Aleksandrowicz, 17 January 2018, and Tomasz Miśkiewicz, 12 January 2018.

⁵⁰ Despite significant investment in the form of the purchase of the plot and the erection of some of the projected buildings, this ambitious project has not been completed. MZR recently planned to sell the land at Pomorska Street and purchase (with the support of Saudi Arabia) a building that could later be transformed into its headquarters and the Islamic cultural centre in Białystok. The outcome of these projects is currently unknown.

and the rise of Islamophobia.⁵¹ In these new circumstances, the Tatars started to present themselves as ‘us’ – European Muslims, who are liberal and have always been loyal to the Polish–Lithuanian Commonwealth. They also used this context to present the Arab community and the LM as ‘foreigners’ – non-European Muslims, allegedly illiberal, whose loyalty to the republic should be doubted, if not questioned. Mufti Miśkiewicz expressed this position most clearly when he mentioned the need to legally guarantee the priority of the MZR and the Tatar community over other Muslim groups in the country: ‘Tatars have been living in the republic for over 600 years and were able to assimilate here, and live normally, and even fight for the freedom of this homeland.’⁵² According to him, the Polish state should make sure that the MZR and Tatars, and no one else, have the power of representing the Muslims of Poland, ‘because we have always been loyal citizens of the Polish–Lithuanian Commonwealth’.⁵³

Among many other issues, one may observe the social, religious and political rivalry between the Tatar and Arab communities mediated by their main organisations in the country, the MZR and the LM, most clearly in the tension over the construction of the first purpose-built mosque in the capital and the fight for the growing export market of halal products. The Tatar community, as mentioned earlier, had already been in control of purpose-built mosques, and had tried in the interwar period to build a mosque in Warsaw as well, being aware of the symbolic importance of doing so. For this reason, after the institution of mufti was reinstated in 2004, Miśkiewicz began efforts to build such a facility. However, his plans were ultimately overtaken by those of the LM, which heretofore did not control any purpose-built mosques despite having managed to open many thriving Muslim centres in major Polish cities. Thanks to the support of a foreign businessman (Saudi sheikh Abdullatif Bin Ahmad Al-Fozan), the LM managed to buy a plot in the city centre, next to the West railway station, and started building in 2009. Despite protests from the broader Muslim community, which were also unexpectedly blessed by MZR-elected Mufti Miśkiewicz, questioning not only the right of the LM to build a mosque in Warsaw, but also its location near a shopping mall – which, it was thought, would disturb its sacredness⁵⁴ – the LM managed to overcome considerable obstacles and inaugurate the mosque, the Muslim Cultural Centre in Ochota, in 2015.⁵⁵ The organisation thus came into possession of the largest such facility in the country, and, most importantly from a symbolic perspective, became visible in the capital city, which put into question the MZR’s ambitions to be the most

⁵¹ Meer and Modood 2010; Allen 2010; H. Ansari and Hafez 2012; Geisser 2003.

⁵² Interview with Tomasz Miśkiewicz, 12 January 2018.

⁵³ Ibid.

⁵⁴ Wojtczuk and Urzykowski 2010.

⁵⁵ For more on the mosque protests, see Narkowicz and Pędziwiatr 2017.

important Muslim organisation in the country. The MZR has also had to accept that other Muslim groups have the right to issue halal certificates, which since 2004 have been an increasingly important source of income not only for the MZR, but also for other recognised Muslim associations.⁵⁶

The strong competition between the MZR and the LM and the disputes between the Tatar and Arab communities from 2001 onwards have weakened since 2012 owing to internal problems in both organisations. There has also been better mutual understanding and respect for each other's spheres of influence. The key problem within the MZR (and thus also within the Tatar community) has been dissatisfaction with Miśkiewicz's leadership and allegations of a lack of transparency regarding the revenue from halal certification conducted by the external company Halal Poland System, which belongs to Miśkiewicz's family.⁵⁷ The Tatar community has been divided over this, some supporting Miśkiewicz and others not. One of the latest episodes in this fierce internal dispute was the appointment in 2017 by some members of the MZR of the second mufti, Janusz Aleksandrowicz, the imam of Kruszyniany, in a challenge to Miśkiewicz's authority. The Polish state backed Miśkiewicz strongly and issued a legal statement confirming his authority. This triggered yet another unresolved legal battle in which Aleksandrowicz sued the Polish state for interference in the internal affairs of the religious community.

The LM has been weakened too, but not so much because of internal disputes regarding halal certification (although such disputes also exist within the Arab community as a result of the formation of the Halal Institute by a former member of the LM and the loss of part of the market traditionally serviced by the LM).⁵⁸ Rather, the LM has been weakened as a consequence of geopolitical changes elsewhere in the world, and the rise and normalisation of Islamophobia. Although the competition between the MZR and the LM for the hearts and minds of Muslims in Poland has not ceased completely, there has been a significant easing of tension as well as a delimitation of the boundaries of their 'zones of influence' (such as in the provision of religious education for children) and partial ideological approximation.⁵⁹

CONCLUDING REMARKS

When Poland regained its independence after the First World War, it had to unite regions that had for more than a century been ruled by Russia, Austria–Hungary

⁵⁶ For more on this, see Pędziwiatr 2021.

⁵⁷ See the company's website: www.halalpoland.pl (accessed 30 May 2018).

⁵⁸ Interview with Mohammad Saleh Messikh, 2 February 2018. For the LM halal certification details, see www.islam.info.pl/certyfikacja-halal (accessed 30 March 2023).

⁵⁹ Nalborczyk and Pędziwiatr 2018.

and Germany, and thus had different traditions of relations between church and state. The Polish legislators of the post-independence period were clearly aware of the 1912 Habsburg Islam Act when they embarked on the process of setting a new legal framework for relations with the country's Muslim community. They came up with a similar arrangement in the Polish Republic. The most important task for them, however, was to make sure that Islam in Poland was freed from the Russian/Soviet legacy and protected against any influence from Moscow. This was particularly important because of the strong Tatar character of Islam in Poland in the period before the Second World War.

The Muslim population of Poland started to change rapidly after that conflict, however. One result of this change has been a growth in diversity. As discussed in this chapter, today, Polish Muslims no longer consist of only indigenous Muslims. They also include a growing number of immigrants – Muslim students, refugees and converts, to name only the major groups. At the same time, the pre-Second World War legal framework regarding relations between the state and Muslims in many aspects remained intact. The channels of decision-making with regard to Islamic matters have been reserved largely for the main Muslim organisation, the MZR, following decades-long tradition. Consequently, some of the new religious groups within the Muslim population have been marginalised by the state, which prefers to deal with the organisation with which it has a history of cooperation. This privileged position of the MZR and Mufti Miśkiewicz in the corridors of power creates substantial tension. Thus, there has been significant organisational rivalry in the revival of Islam in Poland in the last few decades. The religious guidance provided by Muslims of immigrant origin and religious emissaries has at times fuelled internal division within Poland's Muslim population, but it has also sped up the process of secondary religious socialisation among indigenous Muslim populations, and enabled their members to reconnect with the Muslim world on new terms. Thanks to new means of communication, especially social media, their members can feel they truly belong to the world *Umma* as they could never have before. The Polish state must re-evaluate its relations with this growing and increasingly diverse Muslim population if it is to adapt to these changes.

BIBLIOGRAPHY

- Akhmetova, Elmira (2010), 'Russia', in *Yearbook of Muslims in Europe*, Volume 2, ed. Jorgen Nielsen et al., Leiden: Brill, pp. 441–2.
- Allen, Christopher (2010), *Islamophobia*, Farnham: Ashgate.
- Allievi, Stefano (1999), *Les Convertis à L'islam: Les Nouveaux Musulmans D'europe*, Paris: L'Harmattan.
- Ansari, Humayun, and Farid Hafez (eds) (2012), *From the Far Right to the Mainstream: Islamophobia in Party Politics and the Media*, Chicago: University of Chicago Press.

- Babiński, Grzegorz (2004), 'Mniejszości narodowe i etniczne w Polsce w świetle spisu ludności z roku 2002', *Studia Socjologiczne* 1 (172), pp. 10–24.
- Borawski, Piotr, and Aleksander Dubiński (1986), *Tatarzy polscy: Dzieje, obrzędy, legendy, tradycje*, Warsaw: Iskry.
- Chilczuk, Michał (2001), '50 lat kształcenia studentów zagranicznych w Polsce', in *Kontakt*, vol. 1, Łódź: Ośrodek Łączności z Cudzoziemcami Absolwentami Polskich Szkół Wyższych, pp. 27–8.
- Czarniejewska, Izabela, Anieszka Kosowicz and Agata Marek (2009), *Uchodźca Mój Dobry Sąsiad*, Kraków: Fundacja Kultury Chrześcijańskiej Znak.
- Geisser, Vincent (2003), *La nouvelle islamophobie*, Paris: La Découverte.
- Górny, Agata, Halina Grzymala-Moszczynska, Witold Klaus and Sławomir Łodziński (2017), *Uchodźcy w Polsce: Sytuacja prawna, skala napływu i integracja w społeczeństwie polskim oraz rekomendacje*, Warsaw: Polska Akademia Nauk Komitet Badań nad Migracjami, https://informacje.pan.pl/images/serwis/2018/02/Uchod%C5%BAcy_w_Polsce_eksperytyza_KBnM_PAN.pdf.
- Gródz, Stanisław (2002), 'Islam in Poland', in *L'islam et les musulmans dans l'Europe elargie: radioscopie*, ed. Brigitte Maréchal, Louvain-La-Neuve: Academia Bruylant, pp. 156–66.
- GUS (2019), *Religious Denominations in Poland 2015–2018*, Warsaw: Główny Urząd Statystyczny.
- Hussain, Dilwar (2003), 'The Holy Grail of Muslims in Western Europe: Representation and their Relationship with the State', in *Modernizing Islam: Religion in the Public Sphere in the Middle East and in Europe*: Rutgers University Press, ed. J. Esposito and F. Burgat, London: Hurst, pp. 215–50.
- Kubicki, Paweł (2006), 'Społeczność muzułmańska w Polsce', in *Islam i obywatelskość w Europie*, ed. Katarzyna Górak-Sosnowska, Konrad Pędziwiatr and Paweł Kubicki, Warsaw: Elipsa, pp. 124–37.
- Meer, Nasar, and Tariq Modood (2010), 'The Racialisation of Muslims', in *Thinking through Islamophobia: Global Perspectives*, ed. AbdoolKarim Vakil and Salman Sayyid, London: Hurst, pp. 69–83.
- Miśkiewicz, Ali (1990), *Tatarzy polscy 1918–1939: Życie społeczno-kulturalne i religijne*, Warsaw: PWN.
- Miśkiewicz, Ali, and Janusz Kamocki (2004), *Tatarzy Słowiańszczyzną obłaskawieni*, Kraków: Universitas.
- Nalborczyk, Agata, and Piotr Borecki (2011), 'Relations between Islam and the State in Poland: The Legal Position of Polish Muslims', *Islam and Christian–Muslim Relations* 22 (3), pp. 343–59.
- Nalborczyk, Agata S., and Stanisław Gródz (2010), 'Poland', in *Yearbook of Muslims in Europe*, ed. Jorgen Nielsen et al., Leiden: Brill, pp. 220–37.
- Nalborczyk, Agata S., and Konrad Pędziwiatr (2018), 'Between Old Traditions and New Diversities: Islamic Religious Education in Poland', in *European Perspectives on Islamic Education and Public Schooling*, ed. Jenny Berglund, Sheffield: Equinox Publishing, pp. 136–56.
- Narkowicz, Kasia, and Konrad Pędziwiatr (2017), 'From Unproblematic to Contentious: Mosques in Poland', *Journal of Ethnic and Migration Studies* 43 (3), pp. 441–57.
- Pędziwiatr, Konrad (2007), *Od Islamu Imigrantów do Islamu Obywateli: Muzułmanie w Krajach Europy Zachodniej*, Kraków: Nomos.

-
- (2010), *The New Muslim Elites in European Cities: Religion and Active Social Citizenship amongst Young Organized Muslims in Brussels and London*, Saarbrücken: VDM Verlag.
- (2011a), 'The Established and Newcomers in Islam in Poland or the Inter-group Relations within the Polish Muslim Community', in *Muslims in Poland and Eastern Europe: Widening the European Discourse on Islam*, ed. Katarzyna Górak-Sosnowska, Warsaw: Wydawnictwa Uniwersytetu Warszawskiego, pp. 169–82.
- (2011b), 'Muslims in Contemporary Poland', in *Muslims in Visegrad*, ed. Jaroslav Bureš, Prague: Anna Lindh Foundation and Visegrad Fund, pp. 10–24.
- (2012), 'Imigranci Bliskowschodni i Północnoafrykańscy, a odrodzenie islamu we współczesnej Polsce', in *Czy Polska Leży Nad Morzem Śródziemnym?*, ed. Robert Kusek and Joanna Sanetra-Szeliga, Kraków: Wydawnictwo Międzynarodowe Centrum Kultury, pp. 240–65.
- (2021), 'Halal Certification as a Source of Intra- and Inter-group Tensions among Muslims in Poland', in *Rethinking Halal*, ed. Ayang Utriza Yakin and Louis-Léon Christians, Leiden: Brill, pp. 241–64.
- Pędziwiatr, Konrad, Marcin Stonawski and Jan Brzozowski (2022), *Immigrants in Krakow in 2021*, Kraków: Multiculturalism and Migration Observatory, https://owim.uek.krakow.pl/wp-content/uploads/user-files/reports/Raport_12-07-22.pdf.
- Sobczak, Jan (2004), 'Położenie prawne polskich wyznawców islamu', in *Islam a świat*, ed. Roman Baecker and Shakir Kitab, Toruń: Mado, pp. 172–209.
- Stola, Dariusz (2010), *Kraj Bez Wyjścia? Migracje z Polski 1949–1989*, Warsaw: IPN.
- Warمیńska, Katarzyna (1999), *Tatarzy polscy: Tożsamość religijna i etniczna*, Kraków: Universitas.
- (2011), 'Tatarzy polscy – tożsamość kolektywna grupy w kontekście regulacji ustawowych', *Przegląd Tatarski* 2 (10), pp. 17–21.
- Wojtczuk, Michał, and Tomasz Urzykowski (2010), 'Powstaje meczet dla 11 tys. warszawskich muzułmanów', *Gazeta Wyborcza*, 25 March.

About the Contributors

Dino Abazović is Professor of Sociology at the University of Sarajevo, Faculty of Political Sciences.

Sevgi Adak is Associate Professor at the Aga Khan University, Institute for the Study of Muslim Civilisations, London.

Alicia Allgäuer is Lecturer at the Complutense University of Madrid and Program Manager for international cooperation in the Middle East, Volkshilfe Austria, Vienna.

Marinko Banjac is Associate Professor in the Political Science Department at the University of Ljubljana.

Esnaf Begić is Lecturer and Research Associate at the Institute of Islamic Theology at the University of Osnabrück, Germany.

Krisztián Csaplár-Degovics is Senior Research Fellow and Head of Department for Southeast European Studies at the HUN-REN Research Centre for the Humanities, Institute of History, Budapest.

Alev Çakır is a scholar of peace and conflict studies and has recently finished her PhD in Political Science at the University of Vienna.

Jan Kreisky is a PhD candidate in history at the University of Vienna and works at the Austrian Archives of Adult Education.

Dunja Larise is a former Research Fellow at the Institute for Advanced Study at Central European University and currently leading a research project on economic democracy funded by the Zukunftsfonds der Republik Österreich and Magistrat Wien.

Štěpán Macháček is a former Research Fellow at the Oriental Institute of the Czech Academy of Science and currently works as the Czech Radio's Middle East Correspondent in Cairo, Egypt.

Dino Mujadžević is Senior Researcher in the Department for the History of Slavonia, Srijem and Baranja at the Croatian Institute of History.

Konrad Pędziwiatr is Professor in the Department of International Relations at the Krakow University of Economics and Deputy Director of the Center for Advanced Studies of Population and Religion (CASPAR).

Thomas Schmidinger is Associate Professor of Politics and International Relations at the University of Kurdistan Hewlêr (UKH).

Anja Zalta is Associate Professor of Sociology of Religion in the Sociology Department at the University of Ljubljana, Slovenia.

Index

- Abdelrahimsai, Ahmad, 45
Ademović, Nedim, 132
Aehrenthal, Alois Lexa von, 197
Afghanistan, 83, 85, 93, 142, 160, 161, 224
Ahmadiyya Muslim Community in Croatia, 163
Ahmadiyya Muslim Jamaat (AMJ), Austria, 94–6
Ahmadiyya Muslims, 46, 77, 94–6, 208
Akmaz, Hüseyin, 81, 82
Alawites, 44, 46, 88–92
Aleksandrowicz, Janusz, 245, 247
Aleksov, Bojan, 30
Alevi Cultural Centre in Austria, 79
Alevi Religious Community in Austria (ALEVI), 56, 61, 64, 66, 79, 80–1, 82, 91, 92
 reaction to the Islam Act of 2015, 67–8
Alevis, 38, 44, 45, 46, 77–82, 91–2, 98
Alibašić, Ahmet, 153, 189
Amzi-Erdoğdular, Leyla, 6–7
Andrássy, Gyula, Count, 103
Appleby, Scott, 136
army conscription, 32–3
Arslan, Chakib, 202, 204
Association for the Promotion of Islamic Culture in Slovenia, 188
Association of Muslim Students (SSM), Poland, 244
Association of Muslims in Austria, 42
Associations Act 2002, Austria, 47
asylum seekers, 88, 96, 161, 224, 235
Austria, 3
 Ahmadiyya Muslims, 94–6
 Alawites, 44, 46, 88–92
 Alevism and Alevi organisations, 77–82
 Druze, 94
 Embassy in Bosnia Herzegovina, 122–3
 freedom of religion, 39, 43, 46–52, 97
 Ibadi Muslims, 77
 Imami Shi‘a, 83–8
 Islam Act of 1912, 39–42, 45–6, 83, 98

- Austria (*cont.*)
 Islam Act of 2015, 52–3, 55–62,
 71–3: reactions to, 62–71
 Islamic Religious Community
 in Austria (IGGÖ), 38, 42–5,
 52–3, 56, 57–8, 60, 79, 86–8, 90,
 97–8: reaction to the Islam Act
 of 2015, 62–5, 70, 71
 Ismailis, 93–4
 Muslim population, 76–7, 142
 peace agreement with Kingdom of
 SCS, 108
 Sunni Muslims, 75, 90, 94, 96
 women, 33–4
 Yarsan community, 93
 Austria-Hungary
 and Bosnia Herzegovina:
 annexation, 5, 28–34:
 confessional politics, 21–3;
 imperial administration, 25–8,
 103–5, 142, 181; and Islam,
 124–5, 142, 143–9; occupation,
 1, 2, 23–5, 180
 Austrian Office of Religious Affairs,
 38
 Austrian Orient Association, 31
 Azapagić, Mehmed Teufik, 144

 Bakmaz, Nurcan, 82
 Başer, Murat, 63
 Basic Law on the Fundamental Rights
 of Citizens of 1867, 31, 39, 40,
 49
 Bašić, Salih Safvet, 112
 Bektashi, 195, 201
 Berlin Congress, 23–4, 143
 Berlin Treaty of 1878, 24–5, 27–8,
 101, 105
 Biçer, Ganim, 92
 Bismarck, Otto von, 23
 Blagojević, Mirko, 126
 Bogdanowicz, Dżenneta, 234
 Bosnia Herzegovina, 102
 Austrian Embassy in, 122–3
 Austro-Hungarian annexation, 5,
 28–30: consequences for Austria-
 Hungary, 31–4
 Austro-Hungarian confessional
 politics, 21–3
 Austro-Hungarian imperial
 administration, 25–8, 103–5,
 142, 143–9, 181
 Austro-Hungarian occupation, 1,
 2, 23–5, 180
 Communist Party of Bosnia
 Herzegovina, 115
 Constitution 1910, 30
 Cvetković-Maček Agreement,
 168–9
 Habsburg Islam policy, 6–7
 Islam in, 7–8, 137–9, 142–3,
 150–3: and contemporary
 governance, 127–31;
 contemporary legal framework,
 131–7; historical overview,
 124–7, 143–9
 Islamic Community (IC), 104, 105,
 117, 118, 128–30, 133–5, 136–7,
 146, 147, 150–1, 152, 153, 161,
 162, 163, 164, 165, 166
 and Slovenian IC, 187–8
 Bosniak Muslims, 4–5, 159–60, 163,
 194, 195, 214
 Bosnian Church, 4–5
 Brikcius, Mohammed Abdallah, 215,
 218, 220

 Casanova, José, 128, 137
 Catholic Church, 2, 39, 167, 168,
 170, 186; *see also* Roman
 Catholic Church
 Čaušević, Džemaludin, 109

- Çelebi, Evliya, 105
 CEM Vakfı, 78
 Cenker, Michal, 222
 Cerić, Mustafa Efendi, 1, 117, 151, 161, 163, 166
 churchification of Islam, 9–10, 26
 Cisleithania, 41, 215
 Communist Party of Bosnia Herzegovina, 115
 Congress of Berlin, 23–4, 143
 consociationalism, 135
 Coptic Orthodox Church, 49
 Cordoba Centre, Bratislava, 2
 Crimean Autonomous Soviet Socialist Republic, 237
 Croatia, 102, 107, 111–12, 115, 117, 118
 Habsburg legacy, 172–5
 Islamic Community in Croatia (ICC), 157–8, 161–3, 174, 175–6: agreement with the state, 170–1, 172; and ethno-nationalism, 167–8, 169–70; organisational emancipation from Bosnia Herzegovina, 163–6
 Muslims in, 157–8: demographic characteristics, 159–61
 post-socialist ethno-nationalism, 167–70
 Croatian Democratic Union, 167
 Croatian National Assembly, Bosnia, 135
 Cultural Association of Arab Alawites in Austria, 91, 92
 Cvetković-Maček Agreement, 168
 Czech Republic, 212
 mosques, 227–8
 Muslim organisations, 226
 Muslim population, 223–6
 status of Muslims in, 221–2
 Czechoslovakia, 212–13
 Islam Act 1912, 213–18, 228–9
 Muslims after 1989, 219–21
 Muslims during Communist period, 218–19
 Çukurova Cultural Centre, Austria, 89
 Dalmatia, 41, 102, 107, 118, 174
 Dalmatin, Jurij, 179
 Dayton Peace Agreement, 131
 Dodik, Milorad, 135
 Đogić, Osman, 187, 188
 Druze, 94
 Duranović, Amir, 105
 Durić, Hussein Hilmi, 201–4
 Durmišević, Enes, 125
 Džabić, Ali Fehmi, 146
 Džaferović, Šenfik, 135
 Džidić, Izeta, 126
 Eastern Crisis, 194; *see also* Great Eastern Crisis
 Eastern Orthodox Church, 195
 Efendi, Ahmet Şükrü, 104
 equality
 of religion: Austria, 44, 50, 63, 65, 67, 68, 71; Bosnia-Herzegovina, 23, 27, 28, 31, 132, 147; Croatia, 102, 118, 171, 174; Montenegro, 102; Serbia, 106–7, 118; Slovenia, 102, 118, 185, 187
 of women, 113–14
 Erdoğan, Recep Tayyip, 53, 56–7, 90
 ethno-nationalism, Croatia, 167–70
 European Convention on Human Rights, 48–9, 222
 European Court of Human Rights (ECHR), 48–51, 80
 European Federation of Arab Alevis, 91–2

- Farkas, Ildikó, 196
 fascism, 111–12
 Faymann, Werner, 55
 Federal People's Republic of
 Yugoslavia, 113; *see also* Socialist
 Federal Republic of Yugoslavia
 (SFRY)
 Federation of Alevi Communities in
 Austria (AABF), 79, 82
 Filandra, Šaćir, 143–4
 Franz Joseph I, 24, 30, 32, 42
 Free Alevis Austria, 80, 82
 freedom of religion
 Austria, 39, 43, 46–52, 97
 Bosnia Herzegovina, 24, 29, 30,
 123–4, 131–4, 146–8
 Czech Republic, 221
 Czechoslovakia, 220
 Poland, 238
 Serbia, 102, 106, 118
 Slovenia, 177, 183, 184–5, 186–7
 Freedom Party of Austria (FPÖ), 59,
 72, 90
 frontier Orientalism, 192–3, 208–9

 General Framework Agreement for
 Peace in Bosnia Herzegovina
 (GFAP), 131
 Germany, 10, 77, 78, 95, 141, 142,
 204; *see also* Nazi Germany
 Gingrich, Andre, 192, 194
 Golec, Boris, 181
 Górak-Sosnowska, Katarzyna, 9
 Görmez, Mehmet, 56
 Grabus, Nedžad, 180
 Great Eastern Crisis, 24
 Greble, Emily, 6
 Green Party, Austria, 60, 90
 Gül Baba Islamic Congregation,
 Hungary, 201–4, 205, 206
 Gül Baba tomb, 195, 202

 Habsburg, Otto, 1
 Hafez, Fared, 72
 Hanafi Islam, 5, 32, 40, 41, 44, 159
 Hasanović, Aziz, 161
 Hassan, Salem, 86–7
 Haydari, Froud, 93
 Hazara Muslims, 83, 85
 Henhapel, Oliver, 98
 Hesse, Gerhard, 60–1
 Hođć, Hakiija, 112
 Hollós Mátyás Association, Hungary,
 201
 Hungarian Islamic Community
 (HIC), 205–7
 Hungarian Islamic Council *see*
 Organisation of Muslims in
 Hungary (OMH)
 Hungary
 frontier Orientalism, 192–3,
 208–9
 Hungarian Muslim congregation
 1931–1945, 201–4
 path of Islam in, 193–7
 post-war Muslim communities,
 205–6
 present-day Muslim communities,
 206–8
 Recognition Act of 1916, 193,
 194–5, 197–200, 206

 Ibadi Muslims, 77
 Imam Ali Centre, Austria, 83–4
 Imami Shida, 83–8
 imperial army, 32–3
 Institute for Islamic Theological
 Studies, University of Vienna,
 61–2
 Iran, 83–4, 85, 87, 88, 93, 97, 142,
 160
 Iraq, 58, 83, 86, 93, 161, 206, 224,
 235

- Islam Act of 1912 (*Islamgesetz*), 1–2, 3
 Austria, 39–42, 45–6, 83, 98
 Bosnia Herzegovina, 5, 31, 32, 33, 34, 125–6, 147
 Czech Republic, 228–9
 Czechoslovakia, 213–18, 228–9
- Islam Act of 2015, Austria, 52–3, 55–62, 71–3
 reactions to, 62–71
- Islam Alevi Community in Austria, 79
- Islam, churchification of, 9–10, 26
- Islam Dialogue Forum, Austria, 58
- Islamic Association Ahl-ul-Bayt (IVAÖ), Austria, 84–5, 86, 87
- Islamic Centre Imam Ali, Austria, 83–4
- Islamic Church of Bosniaks in Hungary, 207
- Islamic Community in Bosnia and Herzegovina (ICBH), 104, 105, 117, 118, 128–30, 133–5, 136–7, 146, 147, 150–1, 152, 153, 161, 162, 163, 164, 165, 166
- Islamic Community in Croatia (ICC), 157–8, 161–3, 174, 175–6
 agreement with the state, 170–1, 172
 and ethno-nationalism, 167–8, 169–70
 organisational emancipation from Bosnia Herzegovina, 163–6
- Islamic Community in Serbia, 7–8
- Islamic Community in the Kingdom of Yugoslavia, 110, 111, 112
- Islamic Community in the Republic of Slovenia (IC), 112–16, 129, 178, 183–4, 186–7, 187–8, 189
 end of, 116–18
- Islamic Community in the Socialist Federal Republic of Yugoslavia, 112–16, 129
 end of, 116–18, 119
 Supreme Waqf Council of, 112, 113, 114
- Islamic Community of Vienna, 42
- Islamic Cultural Centre Al Mufid, Austria, 86
- Islamic Educational and Cultural Centre Austria, 83
- Islamic Foundation in Prague, 226
- Islamic Foundation in Slovakia, 228
- Islamic Religious Community in Austria (IGGÖ), 38, 42–5, 52–3, 56, 57–8, 60, 79, 86–8, 90, 97–8
 reaction to Islam Act of 2015, 62–5, 70, 71
- Islamic State (ISIS), 58, 207
- Islamic Theological Studies, 62
- Islamic Union – Muslim Religious Communities Headquarters (UMO), 220, 221–2, 223
- Islamophobia, 56, 71, 96, 158, 175, 223, 246, 247
- Ismailis, 93–4
- Israelite Act of 1890 (*Israelitengesetz*), Austria, 39, 67
- Jankovich, Béla, 199–200
- Jehovah's Witnesses in Austria, 48–51
- Jewish community, 39, 109, 220
- Judaism, 9–10, 195
- Juergensmeyer, Mark, 138
- Jurčič, Josip, 180
- Jurij Kozjak*, slovenski janičar (Jurčič), 180
- Kállay, Benjamin, 25, 27, 33, 194
- Karčić, Fikret, 126, 130, 138, 144, 148, 149, 180–1

- Khamenei, Ayatollah Ali Hosseini, 85–6
- Kiefer, Michael, 141
- Kingdom of Serbs, Croats and Slovenians, 107, 108–10, 118, 182
- Kingdom of Yugoslavia, 110–12
- Kiska, Andrej, 222
- Kogler, Werner, 60
- Komšić, Željko, 135
- Korun, Alev, 61
- Kosovo, 102, 106, 117
- Kraus, Karl, 104
- Krcsmárik, János, 198–9
- Kreisky, Bruno, 43
- Kurdish Yarsan, 93
- Kurz, Sebastian, 52, 55, 56–7, 58, 59, 69, 73
- Lahore Ahmadiyya Movement for the Propagation of Islam, 94
- Lanzl, Joseph Muhammed, 83
- Legal Recognition of Religious Societies Act 1874 *see* Recognition Act 1874, Austria
- Lenč, Josef, 222–3
- Lesjak, Gregor, 184
- Lohlker, Rüdiger, 98
- Macedonia, 76, 109, 116, 182, 187
- Maglajlić, Ibrahim, 109, 110
- marital law, 40, 41, 43, 54
- Mattes, Astrid, 71–2
- Mecelle, 148
- medical studies, 33–4
- Medriczky, Andor, 201
- Mehmet II, 101
- Menšura*, 27, 28, 29, 112
- Military Act for Bosnia Herzegovina 1913, 32
- Miśkiewicz, Tomasz, 239, 247
- Mohr, Irka-Christin, 87–8
- Montenegro, 102, 105, 107, 109
- mosques
- Austria, 31, 45, 52, 63, 69, 70, 77, 83, 84–5, 86, 87
- Bosnia Herzegovina, 25, 129, 137
- Croatia, 157, 161, 171
- Czech Republic, 223
- Czechoslovakia 226–8
- Hungary, 201, 202, 208
- Poland, 240, 245, 246
- Slovenia, 182, 189
- Mostar, 27
- muqata*, 122, 123
- Muslim Association of Education and Culture (MSKK), Poland, 244
- Muslim autonomy movement, Bosnia Herzegovina, 27–8, 28–9
- Muslim Civil Society Network (NMZ), Austria, 68
- Muslim League of the Republic of Poland (LM), 239, 241–3, 245–6, 247
- Muslim Liberal Initiative in Austria (ILMÖ), 69
- Muslim Religious Community for Czechoslovakia (MNO), 215–16, 217–18
- Muslim Religious Union in the Republic of Poland (MZR), 237–8, 239–41, 245, 246–7
- Muslim Social Service, Austria, 42–3, 44
- Muslim Youth in Austria (MJÖ), 56, 61, 65–7
- nationalism, 123–4, 136, 138, 158, 167–70, 175, 196, 205
- National Socialism, 204, 209
- Nazi Germany, 217, 218, *see also* National Socialism

- NEOS party, Austria, 59–60
 Netherlands, 95
 Neurath, Otto, 34, 35
 Nielsen, Jørgen S., 9–10
 non-Sunni Muslims *see specific groups*
 North Macedonia, 102, 105, 106,
 118, 158
 Nusayris *see* Alawites
- Obrenović, Milan, 106
 Old Alevi community, 38
 Old Alevi Confession Community,
 80, 81, 82
 Omerbašić, Ševko, 161, 163
 Omerović, Mustafa Hilmi-ef., 104,
 146
 Orbán, Victor, 209
 Organisation of Muslims in Hungary
 (OMH), 206, 207
 Orient Crisis, 24
 Orientalism, 192–3, 196, 208–9
 Ostermayer, Josef, 55, 59, 61
 Österreich (newspaper), 61
 Ottoman empire, 4, 6–7, 11, 22, 23,
 24, 25, 26, 28, 32, 39, 41, 45, 53,
 101, 102, 124, 179–80
 Özügurlu, Ahmet, 91–2
- Pakistan, 83, 85, 93, 95, 96, 206, 207
 Pavelić, Ante, 112
 Pekár, Gyula, 200
 People's Liberation Front (PLF), 112
 People's Republic of Bosnia
 Herzegovina, 113
 People's Republic of Serbia, 113,
 119
 Philippovich, Joseph von, 124
 Poland, 1, 4, 7, 9, 17, 231–48
 cooperation and competition
 among Muslims, 243–7
 legal status of Islam, 236–8, 248
 Muslim diversity, 233–6, 248
 Muslim religious leadership and
 authority, 239–43, 248
 Polish People's Republic, 245
 polygamy, 40, 41, 43, 54
 Porić, Nevzet, 187
 Posanner von Ehrenthal, G., 34
 Pötz, Richard, 21, 60, 98, 126
 Prague Spring, 219
 Prešeren, France, 179
 Prljača, Mustafa, 133–4
 Protestant Act 1961, Austria, 67
 public-health officers, 33–4
 publishing, 242–3, 244–5
- qadi, 107, 181; *see also* Sharia judges
- Račius, Egdūnas, 9, 10
 Rajecz, Stephan Burián von, 25
 Recognition Act 1874, Austria, 31–2,
 39, 40, 48, 49, 51
 Recognition Act 1916, Croatia, 157,
 158, 162, 165, 172, 173–4
 Recognition Act 1916, Hungary, 193,
 194–5, 197–200, 206
 recognised religious society
 (*anerkannte Religionsgesellschaft*),
 38, 46–9, 51, 57, 62, 63, 66, 67,
 79, 86
 Reis-ul-Ulema, 14, 26, 27, 29, 102,
 103, 104, 107–14, 116–19, 124,
 125, 129, 161, 164
 of Bosnia Herzegovina, 1, 109, 117,
 133, 146, 147, 163
 refugees, 5, 23, 77, 83, 88, 94, 95, 95,
 142, 160, 193, 207, 222, 225,
 233, 235, 248
 registered denominational
 community (*eingetragene religiöse*
 Bekennnisgemeinschaften), 38,
 46–51, 79, 80, 82

- Religious Communities Act 1998,
Austria, 46–7, 48, 49, 51
religious education, 26–7, 29, 146,
161, 234–5
religious freedom
Austria, 39, 43, 46–52, 97
Bosnia Herzegovina, 24, 29, 30,
123–4, 131–4, 146–8
Czech Republic, 221
Czechoslovakia, 220
Poland, 238
Serbia, 102, 106, 118
Slovenia, 177, 183, 185–7
Rijaset, 14, 16, 102–4, 107, 116–18,
129, 146, 164, 165, 187
Roman Catholic Church, 2, 183, 184,
234, 238
Russia, 7, 10, 23, 194, 225, *see*
also Russian empire, Russian
Federation, Soviet Union
Russian empire, 7, 10
Russian Federation, 76
Russo-Turkish War (1877–8), 194
- Salafism, 150–1
Sanaç, Fuat, 57, 58, 62–3, 64–5
Sarı, Rıza, 82, 91
Schmid, Ferdinand, 22
Serbia, 7–8, 9, 28, 76, 101–2, 105–7,
108, 109, 110, 111, 116–19
Serbian Orthodox Church (SOC),
133, 135
Sharia courts, 107, 109, 110, 126,
148, 181
Sharia judges, 27, 110, 148, 181; *see*
also qadi
Sharia law, 107, 109, 125, 144, 149,
181, 199
sheikh ül-Islam, 26, 27, 29, 39, 101,
104, 107, 124, 145, 146, 201
Shi'a Islam *see* Imami Shi'a
- Shi'i Association Ahl-ul Bayt,
Austria, 84
Šilhavý, Mohammed Ali, 220
Slavonia, 102, 107, 118
Slovakia, 212
Muslim population, 223–6
places of worship, 228
status of Muslims in, 222–3
Slovenia, 102, 107, 115, 116, 117,
118
Muslims in, 178–9; history of,
179–84
relationship between state and
religious communities, 184–8
Religious Freedom Act, 177, 183,
185–6
see also Islamic Community in the
Republic of Slovenia (IC)
Slovenian Islamic Community of
Mercy (SICM), 178, 179
Slovenian Muslim Community
(SMC), 178–9, 187, 188
Socialist Federal Republic of
Yugoslavia (SFRY), 103, 105,
110, 182–3
Islam Community (IC), 112–16,
129: end of, 116–18, 119
legacy, 126–7
Socialist Republic of Bosnia
Herzegovina, 115; *see also*
People's Republic of Bosnia
Herzegovina
Socialist Republic of Croatia, 116
Socialist Republic of Macedonia, 116
Socialist Republic of Montenegro,
116
Socialist Republic of Serbia, 116, *see*
also People's Republic of Serbia
Soviet Union, 205, 214, 215
Sökefeld, Martin, 78
Spaho, Fehim, 111, 112

- Spaho, Mehmed, 109, 110, 111
 Spindelegger, Michael, 3
 Stepan, Alfred, 138
 Stoler, Laura Ann, 6
 Strache, Heinz-Christian, 59
 Sulok, Szaboles Zoltán, 207
 Sümbültepe, Şemsi, 88
 Supreme Islam Presidency, SFRY, 113
 Switzerland, 142
 Syria, 88, 89, 91, 93–4
 Syrian refugees, 160
- Tanrisever, Abdüllatif, 195, 197–8, 201–2
 Tatar Muslims, 233–5, 243–4, 245–6;
see also Muslim Religious Union
 in the Republic of Poland
 (MZR)
 Team Stronach for Austria, 59
 Temporary Defence Act for Bosnia
 Herzegovina 1881, 32
 Topinka, Daniel, 224
 Transleithania, 41, 215
 Treaty of Berlin 1878, 24–5, 27–8, 101, 105
 Treaty of Bucharest 1913, 106
 Trubar, Primož, 179
 Tuđman, Franjo, 168, 169, 170
 Turanism, 196–7
 Turkey, 57, 70, 77, 78, 82, 88, 89, 142, 160, 169, 201
 Presidency of Religious Affairs
 (Diyanet), 43, 56, 78
 Turkish-Islamic Union for Cultural
 and Social Cooperation in
 Austria (ATİB), 52–3, 56, 68, 69, 70
- Twelver Shi‘a, 83–8
 Ufa Spiritual Assembly of
 Mohammedan Law, 237
 Ukraine, 9, 41, 215, 225, 237
 Ulema Medžlis, 27, 29, 113, 124, 146
 Union of Muslim Students, Czech
 Republic, 226
 Unitarian Church, 195
- veiling, 113–14
 Vidovan Constitution 1921, Kingdom
 of SCS, 108–9, 110
 Vinding, Niels Valdemar, 10
 Vural, Ümit, 70, 71
- Wahabism, 150–1
 Waldmann, Erich Muhammad, 83
 Walser, Harald, 60
waqf, 6, 26, 110, 111, 114, 116, 122, 123, 125, 126, 129, 134, 146, 181, 194
 Wekerle, Sándor, 197, 199
 Woelk, Jens, 132
 Women’s Antifascist Front, SFRY, 113
- Yarsanism, 93
 Yatkın, Zerife, 90
 Yugoslav Muslim Organization
 (YMO), 109, 110, 112
 Yugoslavia, 7; *see also* Kingdom of
 Yugoslavia; Federal People’s
 Republic of Yugoslavia, Socialist
 Federal Republic of Yugoslavia
 (SFRY)

